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No. 15 KAALAHUANA STREET.

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Attorney at Law

And Agent to take Acknowledgments.

OFFICE:—18 KAALAHUANA STREET.

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1856

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Plows, Paints, Oils and General Merchandise.

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Portland, Oregon.

And the Azores and Madeira Islands.

1356-y

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co, San Francisco

1356

NEWSPAPER ARCHIVE

ARMS COMING FROM HONDURAS.

Ambassador Eustis Credited With
Some Queer Diplomatic Talk.

THREATENED WAR IN TURKEY.

General McIVER Becomes Disgusted and
Throws Up His Spanish Post—Charges
of Conspiracy Among Consuls—Phila-

delphia at Mare Island—Latest News.
TEGUCIGALPA (Honduras), July 4.—
A suspicious brig cruising off Amalpa
was thought to have on board an ex-
pedition organized to aid ex President
Vasquez. Investigation was made
and it was found the vessel came from
California, took on arms from a
steamer off the coast of Mexico, and
to throw spies off the scent, went to
Amalpa. She will go to Hawaii, be-
ing chartered in the interest of the
ex-Queen.

Liliuokalani to Marry.

TACOMA, Wash., July 6.—The Morn-
ing Union is in possession of private
advice from Honolulu to the effect
that Queen Lili and her following are
plotting to form an alliance with
Japan by her marriage to a Japanese
Count.

The Japanese have 30,000 residents
on the islands, and with this new al-
liance it is claimed the Hawaiian repub-
lic could be overthrown. Officials
of the republic are alarmed at the num-
ber of Japanese, and have recently
brought in two ship loads of Portu-
guese, numbering 1600, from the
Azores.

Not Carrying Arms to Hawaii.

PORT TOWNSEND, July 7.—The yach-
tine Aggie, which was reported as
leaving San Francisco laden with
firearms for Hawaiian revolutionists,
passed up the Sound to Seattle to-
night. Captain Pharo denied all con-
nection with the alleged filibustering
expedition. The passage was made
from San Francisco in thirteen days,
a succession of calms being encoun-
tered all the way up.

VALLEJO (Cal.), July 7.—The United
States flagship Philadelphia arrived
at the navy yard Friday, and will,
from present indications, remain there
for the next two months. While here
she will be docked, scraped and
painted.

PHILADELPHIA AT MARE ISLAND.

Will Remain for Two Months and be
Scraped and Painted.

VALLEJO (Cal.), July 8.—The Phila-
delphia is lying in the stream at Mare
Island. From Commandant Howison
it is learned that the flagship is here
under orders from the Navy Depart-
ment merely to be docked. When
asked today if the ship stands in need
of radical repairs the commandant
replied:

"No; she could go to sea tomorrow
morning were her services required.
Her bottom, though, is quite foul, and
it is for the purpose principally of
having this attended to that she is
here. That there are many minor
matters about her mechanism which
it would be as well to have looked after
now that she is here I have no doubt,
but I have no knowledge of any se-
rious defects in the ship. Then her
long absence from home makes it
quite likely that officers and crew
have considerable shopping to do, re-
plenishing clothing, small stores, etc.
Within a few days Chief Engineer
Kutz and Constructor Baxter will
visit the flagship with a view to ascer-
taining just what attention she needs."
That the Philadelphia will remain
in port for some length of time there
is little doubt. It will be the 22d inst.
before the Hartford is fit to come out
of the basin, and small repairs will
hardly be begun previous to the in-
evitable confusion incident to dock-
ing.

STILL FIGHTING IN CUBA.

Government Troops Ambushed by

Rebels—Insurgents Lose Heavily.

HAVANA, July 8.—Advice that
have reached here from Santiago de
Cuba are to the effect that Major
Sanchez, commanding a Government
force, discovered 1500 insurgents under
command of the rebel chief, Rabi,
strongly posted near Manzanillo.
Major Sanchez thereupon sent a mes-
sage to Major Aznar, inviting him to
join forces and attack the rebels. The
insurgents captured the messenger
and hanged him.

They then sent a reply to Major
Sanchez's message, signing Major
Aznar's name to it, saying that an
attack on the insurgents would be
made at another named point. Major
Sanchez fell into the trap and ad-
vanced as directed in the forged mes-
sage.

His forces were suddenly attacked
by the rebels in a narrow defile. The
insurgents charged on the Spanish
troops in the most plucky manner,
wielding the deadly machete freely.
The troops were unable to maneuver
owing to the lack of space. Two
sergeants, one at the head of thirty
men and the other at the head of
twelve men, gained commanding
positions and succeeded in checking
the insurgents shooting all that came
in range of their rifles. Their fire was
so deadly that the rebels made no
further attempt to charge, and the
troops were enabled to escape from
the defile in which they had been
ambushed. The Government force

then attacked the main portion of the
rebels and compelled them to retreat.
The insurgents lost 280 killed. The
Government loss was fifty killed and
wounded.

CONSPIRACY AMONG CONSULS

General McIVER Becomes Disgusted and

Throws Up Spain Post.

WASHINGTON, July 7.—Charges of a
most serious character have been filed
against responsible officials in the
State Department. The complainant
is Henry D. McIVER, appointed Con-
sul to Denia, Spain, by President
Cleveland in 1893. General McIVER is
now in the city, having thrown up his
commission in disgust.

He has made formal charges, par-
ticularly against the Chief of the Con-
sular Bureau, Walter E. Falcon. Ed-
ward I. Rennick, the chief clerk of the
State Department, is also involved.
General McIVER said today:

"I have been forced to conclude
that certain officials in the consular
bureau in Washington are in league
for other than political reasons with
consuls abroad. I have here letters
which will prove all that I charge.
"I have indisputable proof," said
he, "of a conspiracy, and it is impor-
tant not only politically but commer-
cially. It wants an investigation and
reformation of the whole Consular
service. When I got here and went
to the State Department Chief Clerk
Rennick used every endeavor to get
me to keep quiet." There is likely to
be a congressional investigation into
the charges he makes and Senator
Morgan will lead it.

HOW LENZ WAS KILLED.

An Armenian Says He Was Shot to

Settle a Dispute.

NEW YORK, July 6.—Ten Armenian
refugees arrived in this city today by
the steamship Paris. One of them
brings the following story of the death
of Biyollent Lenz. It has been regard-
ed as settled that he was murdered by
robbers, but the refugees say that an
Armenian detective, who was em-
ployed by Mr. Sachtleben, who was
sent to learn how Lenz disappeared,
told him he heard from a Kurd sol-
dier in Constantinople that Lenz was
shot to settle a dispute.

Two Kurds saw Lenz riding along,
and they disputed whether he was a
man or "Shantal" (devil).
The Kurd who declared Lenz a
devil said he would prove it for the
bullet would not stop him. He shot
at Lenz, the famous wheelman fell
dead and the Kurds thereupon agreed
that he was a man, not devil, and
went about their business.

ALTON, Ill., July 6.—The hazardous
errand which William Sachtleben of
this city has undertaken in his search
in Asia-Minor for Frank G. Lenz, the
missing Pittsburgh cyclist, is fast be-
coming apparent and Mr. Sachtleben's
friends are now sincerely wishing he
was back in a civilized land. He has
ascertained beyond doubt that the
Pittsburgh boy was murdered and his
attempts to have the murderers pro-
secuted are placing him in a danger-
ous atmosphere, and unless the United
States goes to his assistance he is apt
to fare badly.

Under date of June 10 he says in a
letter just received: "Some things be-
longing to Lenz have been found in a
river near Muserstee, and his grave is
at Kotah, so I am informed by my
sny. I'll be there in a few days now
and exhum it to see if it is Lenz's
body."

CHINESE LOAN.

Nearly Three Hundred Million Dollars

to be Paid to Japan.

NEW YORK, July 3.—A cable special
to the Herald from St. Petersburg
says: Rumors that the irritation
caused in Berlin by the Chinese loan
question have disorganized the
Franco-Russian-German entente re-
specting the Sino-Japanese situation
are incorrect. In regard to the Russo-
Chinese loan there is a probability
that it will be concluded tomorrow.

LONDON, July 3.—The Central News
says that the loan of £1,000,000 to
China, which was issued to enable
China to meet certain obligations for
armaments, pending the completion
of arrangements for the indemnity
loan, has been over-subscribed three
or four times.

PEKING, July 4.—The Russo-Chi-
nese war loan has been signed.

WASHINGTON, July 3.—According
to a dispatch received from Mr.
Denby, United States Minister at
Peking, on May 14th last to the Sec-
retary of State, the war indemnity to
be paid by China to Japan under the
provisions of the Shimonoseki treaty
amounts to 288,800,000 Mexican silver
dollars.

ACTIVE VOLCANOES.

Mounts Etna and Vesuvius in Eruption.

DULL DAY IN BOTH HOUSES.

Bills Referred to Committees and Notices of Motion Given.

REPORTERS FIND FRIEND IN HOUSE

Senate Adjourns Till Monday—Land Tenures and Registry of Deeds Bill Ready for Signature of President. Minister Hatch Answers Rep. Hanuana.

HOUSE OF REPRESENTATIVES.

House bill No. 11, relating to terms of Circuit Courts, passed first reading and was referred to the Judiciary Committee.

Senator Wilcox's "An Act to Prevent Footbinding" passed first reading and was amended by striking out any reference to China or Chinese.

The Educational Committee reported on the Act to define the word "school." They made a slight amendment. A letter from the Board of Education was read approving the bill. When the Act was taken up for consideration, it was found to be loosely worded and later was referred back to the committee.

A communication from the House was read notifying President Wilder that the bill relating to importation and sale of alcohol had passed its third reading.

After this bill was read for the first time before the Senate, Attorney General Smith explained that it had been introduced at the request of physicians and druggists, who claimed that the present very high duty on alcohol worked a hardship on poor people.

At 11:30 o'clock the Senate adjourned until Monday morning at 10 o'clock.

HOUSE OF REPRESENTATIVES.

The House was called to order at 10 o'clock a. m.

Rep. Hanuana's questions regarding the new market were answered by Minister Hatch. The completion of the same is provided for in the schedule of expenditures under the Loan Act. No funds were available hitherto.

A communication from the Senate announced third reading of the bill providing for Government departmental appropriations.

Another message stated that the joint resolution for an investigating committee on the fresh meat trade, and a commission to report on the Auditor General's report, had been passed.

Act 5, relating to the granting of an electric light franchise in the city of Hilo, was read third time.

Act 12, providing for the withdrawal from the custom house of kerosene oil in certain cases, was read third time.

After reading above bill the title was amended to read "An Act to allow the withdrawal from the custom house of kerosene oil for fuel and mechanical purposes." Bill then passed as a whole.

Senate bill providing for appropriations for Government expenses was read by title and referred to Finance Committee.

Two joint resolutions from the Senate were read—one providing for the appointment of a committee to investigate the fresh meat trade, another that a commission be appointed by the President to investigate the Auditor General's department and make report, with suggestions for improvement of said department. Both resolutions were endorsed by the House.

Rep. Kamaueha moved a suspension of the rules in order that he be allowed to present a resolution, which was to the effect that newspaper representatives in the House be furnished with copies of all printed matter before the reading of same. Unanimously adopted.

Reading of Bill No. 13 was postponed until Saturday, on account of the absence of Rep. Robertson.

Bill relating to wanton destruction of game was read third time and passed.

House adjourned till 10 o'clock Saturday morning.

HOUSE OF REPRESENTATIVES.

After prayer by the Chaplain and reading of minutes, the Judiciary Committee through Rep. Kaeo presented the following report on the petition of saloon keepers for rebate of license:

"Your Judiciary Committee to whom was referred the petition of certain vendors of spirituous liquors of Honolulu praying for compensation for losses sustained during the time of martial law which existed from January 7th to March 18th, 1895, beg leave to report as follows:

"Your committee finds that on January 7th the several saloons in this city were closed by order of the Marshal for an indefinite time and forbidden from selling liquor.

"That on January 30th the saloons were permitted to open with certain restrictions as to hours, as to the kind of liquor to be sold, etc., and also by paying a special police guard.

"That on March 18th all restrictions were removed.

"That during the period from January 7th to March 18th the saloons were at considerable expense for li-

cense fees, rent, wages and ice, besides the loss of business.

"That during the said period from January 7th to March 18th the holders of 'dealer's spirit' licenses were allowed to sell liquor upon permits from the Marshal's office, many of said permits your committee find were merely stamped with a rubber stamp and bear no signature.

"That during a part of said period said holders of dealer's licenses were allowed to sell liquor in smaller quantities than their licenses strictly permit, thus doing business for which the saloon keepers are compelled to pay a license although they were forbidden the privilege of doing business.

"That when the saloons were opened and restricted to the sale of beer, the dealers were allowed to sell strong liquor.

"That while the saloons were restricted to the sale of liquor to be drunk only on the premises, the dealers were allowed to deliver large quantities about town.

"That six holders of dealer's licenses from January 7th to 30th, the period during which the saloons were entirely closed, sold about \$5300 worth of liquor, exclusive of what was shipped by them to the other islands.

"Your committee also find that by the terms of the saloon licenses, the right is reserved to close the saloons on certain days at the request of the Marshal and on other occasions at the request of the Minister of the Interior.

"Your committee are of the opinion that the action of the Executive in closing the saloons and subsequently allowing them to open under certain conditions is not reviewable by the Legislature. They are also of the opinion that by the strict rules of law the saloon-keepers have no redress in the courts. But they do believe that the petitioners have suffered an injustice that deserves the consideration of the Legislature.

"They therefore submit herewith a bill extending the existing retail spirit licenses for a period of two months each without charge to the licensees.

"Your committee are not unmindful that the liquor business is of an extraordinary and, in a sense, a dangerous character; that those who engage in it take certain risks that other business men are not called upon to take; that the closing of saloons during the period of excitement was for the benefit of the whole community, including the proprietors of the saloons, and that other lines of business suffered more or less. But in view of all the circumstances your committee feel that the petitioners have suffered beyond their share and that the passage of the bill recommended would be no more than just.

Report was signed by full committee, consisting of Reps. Robertson, Kaeo and Kamaueha. Laid on table for consideration with bill.

A resolution was introduced by Rep. Hanuana to authorize payment to the ADVERTISERS for papers furnished at the rate of 5 cents a copy. The clerk was instructed to settle for only such papers as the members ordered. With this amendment the resolution was adopted.

The Hilo Electric Light bill passed third reading without opposition, twelve votes being cast in the affirmative. Messrs. Robertson, Ryeroff and McBryde were absent.

Act 16, regulating appeals from district courts to circuit judges of second, third, fourth and fifth circuits, was read first time by title and referred to Judiciary Committee.

Adjourned till 10 o'clock Monday morning.

HOUSE OF REPRESENTATIVES.

Senator McCandless now sports a cork bonnet; he declares it is a mascot. If the Senate does not "reign" on the Kalaupapa item, he may buy each member one.

Senator Waterhouse is considered a hard worker, and a conscientious one too. The reporters like him because he is thoughtful enough to furnish copies of resolutions when read by him.

Rev. Birnie was present in the Senate chamber yesterday morning for a few moments.

Whenever the "labor commission" is mentioned, a very tired look comes over Senator Brown's countenance.

Senator Baldwin was granted leave of absence until Monday.

When the Currency Bill was before the Senate the other day, Senator McCandless said that silver was scarce. Several people present, after placing their hands in their pockets, nodded "yes."

Senator Hocking claims that silver is more than plentiful in Maui. He says that gold acts like a charm on sore eyes.

Minister Damon declared that he had read the "School Act" no less than six times, and was not a bit wiser after doing so. Senator McCandless says that a Hilo lawyer could place an interpretation on it, and no one else. The committee will probably kill the bill.

Senator Wilder makes an excellent presiding officer; the members are afraid to talk back, probably on account of his size.

The Senate adjourned until Monday to allow the different committees time to get together.

Senator Lyman can be depended upon to look after the interests of his constituents. He always has an item or two in his inside pocket whenever an appropriation bill is under consideration.

Attorney-General Smith intimated yesterday that the Chinese were not alone in the "footbinding" business; many white people wore shoes several sizes too small.

"We had an epidemic of dysentery in this vicinity last summer," says Samuel S. Pollock, of Briceland, Cal. "I was taken with it and suffered severely until some one called my attention to Chamberlain's Colic, Cholera and Diarrhoea Remedy. I procured a bottle and felt better after the first dose. Before one-half of the bottle had been used I was well. I recommended it to my friends and their experience was the same. We all unite in saying it is the best." For sale by all medical dealers. BROWN, SMITH & Co., Agents.

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FOURTH OF JULY AT KOHALA.

Large Concourse of Enthusiastic People Celebrate the Day.

JAPANESE IN JUBILEE OF PEACE.

Everybody in the District Contributed to the Work of Arrangement—Six Hundred People Enjoy Native Feast. Baseball, Fireworks and Decorations.

KOHALA (Hawaii), July 10.—The Fourth of July was celebrated in Kohala with such a concourse of people as has not been gathered together here in many years. It was a glorious field day and surpassed the anticipations of even the most sanguine. Enthusiasts speak of the gathering as countless thousands, but an actual muster of the forces would probably not have exceeded 1500 people, and between luau and sports there was not an idle moment in the day. It was a celebration of the people, by the people and for the people. It had been said that it was impossible to accomplish a demonstration on any such scale, and the citizens took up the challenge, went to work with the means at their disposal, and showed to the astonished onlookers that nothing is impossible to the freemen of Hawaii on the Fourth of July. As soon as it became apparent that the people were in earnest, subscriptions flowed into the treasury from unexpected quarters, and all Kohala resounded with preparation. All classes cheerfully took part, and every one did something. The ten cents of the laborer was accepted as cheerfully as the \$10 of the land owner. Heretofore such celebrations have been largely the work of the wealthy, and the laboring classes have been accustomed to modestly stand upon the outskirts of the feast. But on this first anniversary of the Republic of Hawaii, the people woke to the realization that the day was peculiarly their own, and that all men were to meet upon the platform of a common humanity and a common citizenship. Every one demanded a share in the labors as well as the joys of the day. Every division of the district, by unanimous consent and in an informal manner, appointed their own collectors and poured their gifts into the common fund. Mr. M. H. Perry was appointed Master of the Feast, and he, with an able corps of assistants, spent the previous twenty-four hours, day and night, killing and cooking the animals in the old and proved native fashion and otherwise preparing the luau. One group of patriotic ladies fashioned ferns and leaves into hundreds of feet of leis for decoration. Other ladies made a very large Hawaiian flag to fly from the centre pole of the pavilion. Hardly a family in the district but shared in the labors of preparation. A great many preferred picknicking to joining in the main luau, and brought their own provisions.

The Japanese had chosen this day also for their great jubilee of peace, and were quite as active in preparation as the citizens.

The few days previous had shown signs of rain. But the morning of the Fourth disclosed as perfect a day as the most ardent could desire. Kohala Landing was the place chosen for the combined celebration. The native luau was spread in Kohala Sugar Company's warehouse, where over 600 sat down to the feast. Tables were laid in the pavilion for the picnic. The road was used as a race track and the large field to the right as the baseball ground. Here the pavilion was erected, and here also the Japanese held their sports and exhibited their fireworks. The large Hawaiian banner was flanked on one side by the stars and stripes of America and on the other by the red cross flag of England. People began to arrive early in the day, and by 10 o'clock there must have been more than a thousand people on the ground. At about that hour the first baseball match began, Union Mill against Halaia. It was won by Union Mill by a score of 25 to 2. The second baseball match was played in the afternoon, which was also won by the former by a large score. The result of these matches was something of a surprise, but the visitors won their laurels fairly by outplaying their opponents at every point. Messrs. Fraser and Holstein were umpires.

The Japanese sports consisted of wrestling, fencing and dancing. The fencing created a great deal of interest. The contestants were in armor and handled their weapons with both hands. The Japanese began their day with literary exercises consisting of the reading of the Emperor's Declaration of Peace and some patriotic addresses.

The citizens of Hawaii out of regard to the almost morbid anxiety on the part of some to give up possible cause of offense to those in the community who are not citizens, decided to omit the literary exercises. And some of those to whom the olive branch was thus extended showed their appreciation by keeping their laborers at work on this day when every man is supposed to be entitled to a holiday.

In the evening the Japanese exhibited their fireworks, consisting of set pieces as well as the usual display of rockets, wheels and roman candles. The fireworks were all manufactured in the district, and were highly creditable to the ingenuity of the people.

Excursion trains were run from both ends of the line, and enabled a great many to reach the scene of festivity who would otherwise have been unable to come.

The day was as it always should be, a grand outing for children as well as the grown folks, for all ages and for all classes. There was not a single accident to mar the enjoyment.

It is a curious fact that the man who thinks "that advertising doesn't pay" is the one who is most ready to talk about a libel suit if a paper publishes something he doesn't like.

WEEK OF FESTIVITY ON MAUI.

How the Fourth Was Celebrated at Hana.

JAPANESE EVENING AT MAKAWAO.

Large Gathering at the Eldridge-Forsyth Wedding—Luau to Mr. Colville. Jury Reports on Corn Mill Fire—Innocent Schooner Causes Excitement.

MAUI, July 13.—During the 12th inst. Manager J. W. Colville of Pala gave a grand luau in honor of his brother, W. B. Colville of Calcutta. It was not only intended as a social compliment but also that the gentleman might witness one of the most interesting customs of Hawaii nei. A large canvas lanai profusely decorated with ferns, bunting and Japanese lanterns was the scene of the festivity, and the fact that Sheriff L. A. Andrews had general charge of the feast was a guarantee that the viands were most delicious. The occasion was thoroughly enjoyed by a very large gathering of Makawao, Kahului and Wailuku people. The festivities continued from 4 to 9 p. m.

During the evening of the 8th inst. the Young Ladies' Club of Makawao gave a Japanese evening at the residence of Dr. P. J. Aiken of Pala. The Oriental decorations of the parlors and verandas were most pleasing and effective, the portiere between the drawing rooms—an artistic arrangement of pink draperies,—being especially admired. An excellent string band stationed under a huge Japanese umbrella discoursed sweet music for dancing.

At Hana during the Fourth there were three shooting matches. The first with Winchester rifles of 44-calibre, 200 yards, five rounds. The scores were as follows: P. McLane made 18 and took the first prize,—a silver cup presented by Hana plantation. N. Omsted was awarded the second prize, score 17, and Dr. McGettigan the third prize, with a score of 15. In the pistol match, at 50 yards, P. McLane won the first prize, N. Omsted, second, and H. Covinden the third.

In the third match, any rifle, ten rounds, at 200 yards, N. Omsted scored 41, C. Tash 39, and Miss Annie Reade 38. A heavy morning rain delayed the celebration, but the sun shone brightly at 9 a. m. and the large program of events with exception of some of the horse races was carried out. After the shooting a large number of people sat down to a fine luau at the court house. After the enjoyment of the various viands, patriotic speeches were made by Deputy Sheriff Josepa, Judge Kaleo and Judge Pakaha of Kipahulu.

At 3 p. m. the field sports began, the most amusing event of the schedule being the many attempts to climb a greased pole extending horizontally thirty feet over the water. A little native boy from Nahiku was finally successful and obtained the little pig which had been squealing vociferously in a bag suspended from the end of the pole.

The horse racing took place on the stretch of the Government road between the plantation and the post office. The dance for some reason was postponed for two weeks.

The Redprocty mill at Hamao is still grinding.

Mr. and Mrs. Bolte of Honolulu are the guests of Manager Gjerdrum of Hana plantation.

On the 11th inst., between two and three hundred people witnessed the Eldridge-Forsyth wedding at Wailuku, Maui. Rev. S. Kapu performing the ceremony. Dancing was kept up till the morning dawned.

During the 10th inst. a schooner was noticed heading for Keonoi and what gave rise to the suspicion that she had dope aboard was the fact that a dense cloud of smoke arose from her deck and still she seemed to be in no distress. However, in spite of the sensation created in police circles, she proved to be a vessel of honorable character simply becalmed.

During the 5th inst. a jury holding an inquest concerning the burning of the Makawao corn mill declared the cause of the fire unknown. There was an insurance of \$2000 on the property.

On the 7th, Deputy Sheriff C. W. Dickey stopped a fan tan game at Keuka, Maui. Seven players were captured and afterwards fined by the Makawao Court.

The grass on the top of Haleakala is knee deep, subsequently all the cattle are fat.

Misses Martha Beckwith and Kate Fleming have returned to their Makawao homes.

Mr. and Mrs. W. G. Ogg are soon to take up a permanent residence at Makawao, Maui.

On the Fourth the natives of Hana made a remarkably large haul of fish in time for the celebration.

During the week invitations to the marriage of Miss Maud Baldwin to Joseph Platt Cooke of Oakland have been sent out. The ceremony will take place at Haiku on the evening of the 18th inst.

Misses Malone, Turner and Knapp are enjoying cool climate at the cottage of W. F. Fogue far up on the Haleakala slope.

On the 5th inst. the Junior Christian Endeavor Society gave their first social in the parlors of the Pala church. It was a thoroughly interesting and enjoyable affair and the children deserve many compliments for their fine contribution.

Weather: Warm and pleasant.

C. R. Falk, the globe-trotter, who lost a pocketbook containing \$80 in gold and a letter of credit for \$28000 while on a jaunt through the country recovered the wallet previous to his departure for China. The pocketbook was returned minus the money.

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NEWSPAPER ARCHIVE

CONCERNING ELECTRIC ROADS

And the Proposed Honolulu Railway in Particular.

MR. BALLANTYNE GIVES FACTS.

Toronto System a Very Good Thing for Toronto—Not Applicable in All Instances to Honolulu—Promoters of the Road Are Acting in Good Faith.

MR. EDITOR:—In last evening's Star reference is made to the Toronto street railway system, and particular stress is laid upon the fact that the city derives a rental and a percentage of the gross receipts from the railway company. The Star might easily have gone further and given all the facts. The city of Toronto has a population of over 200,000 from which the railway company draws its revenue, and the Toronto street railway company has got a monopoly.

The city of Honolulu has a population of about 20,000, one-tenth that of Toronto—its principal streets being already occupied by a street railway. The cost of construction and equipment will be greater in Honolulu than in Toronto, where nearly all the material can be procured without the expensive cost of land and sea freight. The cost of operation is less, per mile, in Toronto than it will be in Honolulu. Anthracite coal can be obtained in Toronto for \$4.50 per long ton of 2240 pounds. The rate of wages in Toronto, according to the Star is \$1.50 per day of 10 hours, or \$39 per month of 26 working days. Can efficient labor be obtained in Honolulu for any such price?

Given the same conditions as to population, cost of maintenance and cost of operation, an electric railway in Honolulu, having an absolutely exclusive franchise to the whole city, could afford to be as generous as the Toronto Street Railway Company.

The Star's knowledge of electric railway operation would seem to be very limited. It evidently does not know that the larger the concern the smaller the percentage of the cost of management, both per mile and per car, and consequent greater ability to pay rentals or dividends. A concern of the magnitude of the Toronto Street Railway can be operated under conditions which cannot under any possibility pertain to Honolulu. The City Council of the City of Toronto obtained possession of the franchise of the old horse car upon the expiration of the latter's franchise. It did not attempt to obtain possession before that time, as, to have done so, would have been a breach of faith on the part of the council. If the Government of the Hawaiian Islands, under the laws of eminent domain, or breach of contract, were to attempt to obtain possession of the franchise of the Hawaiian Tramway Company, without giving full consideration for every dollar of bonds and stock outstanding, aggregating \$475,000, they would be equally guilty of a breach of faith, and would undoubtedly imperil their credit on the London market. Can they afford to take that risk?

Again, the Toronto Street Railway Company got possession of an undisputed right of way over the entire length of its lines. The proposed Honolulu Electric Railway Company can obtain only a portion of its right of way from the Legislature—the rest they must obtain by purchase. The Hotel street line to Punahou cannot be built until the right of way has been secured through the block bounded by Beretania, King, Punchbowl and Alapai streets. The line to Waikiki cannot be built until the right of way has been obtained through the Ward estate and adjoining properties—and so with the Nuuanu street line, it cannot be constructed until the right of way is obtained through the block bounded by Punchbowl and Nuuanu streets.

The experience of those who have ever had anything to do with obtaining a right of way for a railway company through private property, will bear me out, when I say, that it is rarely that the purchase price can be agreed upon without recourse to arbitration, after which, invariably follows an appeal to a higher court, and then in all probability, arbitration again. The Honolulu Electric Railway Company if granted a franchise, will not begin construction until the right of way has been obtained—and as it is impossible to state when that will be, as the company cannot control litigation, it would be the height of business folly to enter into any obligation to begin the construction of the road on or before a fixed date. They undertake to complete fifteen miles of the road within two years from the granting of the charter, provided that they are not prevented by circumstances which they cannot control.

The Star refers to the rates of fare charged on the Toronto street railway as having been fixed by the Toronto city council. The following section appears in the charter now before the Legislature:

"Section 28.—The company may make reasonable and just regulations, with the consent of the Executive Council, regarding the hours during which the cars shall run on the said streets and roads, and the fares to be charged and collected by the said company for the carriage of passengers over the company's lines."

This means that the company's time table and tariff table must be submitted to the Executive Council for approval, and if, in the first instance, not satisfactory to the Executive, it must be changed so as to meet with their approval. This is a more desirable clause than that contained in the Toronto charter, as the latter is part of the contract and cannot be altered without the consent of the company, whereas in the proposed charter the rates of fare may be changed by the Executive

Council at any time. Now a word or two as to the method of construction: Section 21—"All the works necessary for the constructing and laying down the several railway tracks shall be made in a substantial manner, according to the best modern practice, and under the supervision of the Minister of the Interior or other officer duly appointed."

Section 23—"The location of the line of railway in any of the streets or roads shall not be made until the plans thereof, showing the position of the rails and other works, in each street or road, shall have been submitted to the Minister of the Interior, or such other officer as may be appointed for that purpose, for his approval."

The company is acting in good faith. If the people of Honolulu want the railway—we believe they do—and the Legislature will grant the franchise, the road will be built; but the company will not attempt to perform impossibilities.

Yours truly,
C. G. BALLENTYNE.

THE HILO BOARDING SCHOOL.

Closing Exercises of the Fifty-Ninth Year of That Institution.

Inspection of the Building and Departments—Luna by students—Satisfactory Progress—Hawaiian Day.

HILO (Hawaii), July 10.—The fifty-ninth year of the Hilo Boarding School closed on Friday, June 28th, with a very pleasant and successful public exercise, which was largely attended by the parents of the pupils, the trustees, and many friends of the school. The programs were neatly and artistically printed at the school. The outside was graced with a photograph print of the school buildings, for which print Mr. Terry gave credit to the editor of the War Cry (San Francisco), and on the other side the words, "Hawaiian Day at Hilo Boarding School, June 28, 1895."

Facing the visitor on entering was the motto in red, white and blue, "Aloha Oukou." The schoolroom is the time-honored one of the past, although much enlarged and improved of late years. It was tastefully decorated with vines and flowers, and over the platform at the mauka end of the room was the motto, "Hawaiian Day." The school at present numbers forty-five. A fine program was rendered of various school recitations, showing the capabilities of all the classes, interspersed with readings, recitation of poems and singing. The selections were all in English and the most of the songs in Hawaiian.

Rev. R. K. Baptiste, pastor of the Portuguese church in Hilo, has rendered most efficient service this last term as instructor. His examinations in geography, language and natural philosophy were very interesting, while the class in dictation, Hawaiian geography and conversation exercise by Miss Ellen Lyman were full of spirit and accuracy. The Hawaiian geography, which was illustrated by a rapid and accurate outline map of the island of Maui, sketched on the blackboard by one of the class while the recitation was in progress, elicited much admiration from the Hawaiians present.

The whole school took part in "Useful Information," an exercise which was conducted by Mrs. W. S. Terry, each boy giving in a short, concise sentence most valuable information, either of geographical, historical, commercial or national importance on many themes. The whole imparted to the listening audience many facts in a nutshell about the various changes and improvements wrought by the progress of time in these islands and during this century so near its close. Indeed, many of us would be glad to see the whole in print.

The three exquisite poems, "Joy," "Sorrow" and "Peace," written on the death of Kalakaua, were rendered very finely by three of the oldest boys, and brought tears to some who listened. The flag drill, in which eighteen of the boys, with small Hawaiian flags, took part, was accurately done and gave great pleasure to the audience. "Our Sea Beach," an exquisite poem on Hilo Bay, composed many years ago by the loved and lamented Mrs. Fidelia Coan, was read with fine effect by Mrs. Terry.

At the close of the exercises Mr. Terry invited all the company to inspect the workshops, pol, ice and coffee cleaning machines. He also invited all present to be guests at a luau prepared by the students, when he promised to give us a sample of the coffee beverage which had been raised, cleaned, roasted and prepared by themselves on their own grounds. After all had satisfied their curiosity in inspecting the Industrial Department, and had admired the fine specimens of penmanship, map drawing, etc., displayed on the blackboards, with the wood carving, of which there were some choice specimens, the call to the luau was welcome. It was served on tables on the lawn in front of the school buildings. Pot and pork with delicious fish, all lured in the best style, and all the usual Hawaiian condiments, vanished in short order, but everything was in abundance for the large number of guests. Fruit and soda water was the dessert with the kulolo pudding; the promised coffee, last of all, proved to be all it was promised. All left feeling that this parent of all the industrial schools of Hawaii was still a live institution. ONE OF THE GUESTS.

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E. M. Walsh Will Return to Honolulu and Practice Law

BRIEF SKETCH OF ISLAND LIFE.

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The many friends of E. M. Walsh will be pleased to learn that he will shortly return to the islands and engage in the practice of law. Not long ago this paper chronicled the fact that Mr. Walsh had been elected president of the senior law class, 1895, of the University of Michigan, at Ann Arbor, where he went some time ago to complete a law course. Mr. Walsh graduated with the highest honors,



E. M. WALSH, ESQ.
Recently graduated from University of Michigan with high honors, and who will shortly return to the islands and engage in the practice of law.

and was selected as president of the senior class solely on deserved merit, which speaks highly for his legal ability. His address to that class, delivered on June 24th, was a masterly effort and called forth universal praise from his classmates, many of whom will no doubt watch with interest the future of their respected president.

A brief sketch of Mr. Walsh's life and work in the islands shows what can be accomplished by perseverance, which trait has been a potent factor in raising him to the high standard attained. The subject of the above sketch came to the islands, together with a valued friend and partner, in 1878. Shortly after arriving he secured employment as a luna at Naalehu plantation, Hawaii. Answering the call of friendship and duty, he returned to Honolulu and administered to the wants of his friend during an illness which proved fatal.

Securing the position of deputy-sheriff at Makawao, Maui, he discharged the duties of that position, during two years incumbency, in such a manner as to merit the goodwill of all with whom he came in contact. Among those who carefully watched the career of the young man was Hon. H. P. Baldwin, who was quick to realize the sterling qualities of the man. Pala plantation was placed under his management, which he conducted so successfully that later he was intrusted with the Baldwin interest in that and Hamakua plantation.

Although the duties of plantation life were extremely arduous, yet Mr. Walsh found time to study law, and in 1882 was admitted to practice in the lower courts. Tiring of plantation life, Mr. Walsh traveled extensively in America and Europe, afterward returning to the islands, opened up and acquired some interest in Makaweli plantation and became its first manager. Later he disposed of his interest in Makaweli and went to America, afterwards concluding to complete his legal education by a course at Ann Arbor, Mich., where, as mentioned above, he graduated with the highest honors. Mr. Walsh will be a valued addition to the legal fraternity of the islands.

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Finest and Cheapest MEAT-FLAVOURING STOCK FOR SOUPS, MADE DISHES AND SAUCES. Invaluable for India as an Efficient Tonic in all cases of Weakness. Keeps good in the hottest climates, and for any length of time. To be had of all Storekeepers and Dealers throughout India. Cookery Books Post Free on Application to the Company. LIEBIG'S EXTRACT OF MEAT Co., Limited, Fenchurch Avenue, London, England.

J. HOPP & CO.,

Furniture Just Received Ex Australia.

A Complete Stock of

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AT LOW PRICES:

Wicker Ware

Rugs and Portieres of all sizes.

SWINGS AND HAMMOCKS

in all sizes and grades.

Repairing of all kinds promptly attended to. Furniture packed for the other Islands. Special care given to Piano moving.

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Join the Columbia Bicycle Club

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are just in receipt of large importations by their Iron, Bark, "Paul Isenberg" and "J. C. Pfleger" from Europe and by a number of vessels from America consisting of

A Large and Complete Assortment

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DRY GOODS,

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Prints, Ginghams, Cottons, Sheetings, Denims, Tickings, Regattas, Drills, Mosquito Netting, Curtains, Lawns.

A FINE SELECTION OF DRESS GOODS, ZEPHYRS, ETC.

in the latest styles.

A splendid line of FLANNELS, black and colored MERINOS and CASHMERES, SATINS, VELVETS and PLUSHES, CRAPE, &c.

TAILORS' GOODS,

a full assortment; Silesias, Sleeveless, Stiffenings, Italian Cloth, Moleskins, Meltons, Serge, Kammgarns &c., &c., &c.

Clothing, Underwear, Shawls,

Blankets, Quilts, Towels, Tablecovers, Napkins, Handkerchiefs, Gloves, Hosiery, Hats, Umbrellas, Rugs and Carpets.

Ribbons, Laces and Embroidery, Cutlery, Perfumery and Soaps, &c., &c., &c., &c., &c.

—A large variety of—

SADDLES,

Vienna and Iron Garden Furniture, Boats, and Sellar Pianos, American and European Groceries, Liquors, Beers and Mineral Waters, Oils and Paints, Castile Soda, Sugar, Rice and Cabbages, Salt Twine and Wrapping Twine, Wrapping Paper, Burlaps, Filterpress Cloth.

Roofing Slates, Square and Arch Firebricks, Lubricating Grease, Sheet Zinc, Shee Lead, Plain Galv. Iron—Best and 3 Best, Galv. Corrugated Iron, Steel Rails, 18 and 20, R. R. Bolts, Spikes and Fishplates, R. R. Stee Sleepers, Market Baskets, Demijohns and Corks.

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Hawaiian Sugar and Rice.

Golden Gate, Diamond, Sperry's, Marchant's and Eldorado Flour, Salmon, Corned Beef, &c., &c., &c., &c.

For sale on the most liberal terms and at lowest prices.

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H. HACKFELD & CO.

W. H. RICE,

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MEMBER OF

Fine Horses and Cattle

From the Thoroughbred

Standard bred Stallion, Nutwood by Nutwood, Jr. Norman Stallion..... Captain Grawl Native bred Stallion..... Boswell

ALSO A CHOICE LOT OF

Bulls, Cows and Calves

From the Celebrated Bulls

Sussex, Hereford, Ayrshire & Durham

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Fine Saddle and Carriage Horses

FOR SALE.

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HEREFORD BULLS FOR SALE

Tourists and Excursion Parties desiring Single, Double or Triple-hand Teams or Saddle Horses can be accommodated at W. H. Rice's Livery Stables.

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Of Every Description Including

OAK, ASH, HICKORY

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WHITE WOOD LUMBER,

Spokes, all sizes; Savern Wheels, Wood Hub Wheels, Sawed Fellos, Bent Rims from 1 to 2 1/2 inches, Dump Cart Shafts, Wagon Poles, Double-trees, Single-trees, Wagon and Cart Hubs, all sizes.

AND A FULL ASSORTMENT OF

Trimmers' Materials

Carriage Hardware, Norway Iron, and Steel Tires.

Having a long experience in the Carriage Business, I am prepared to supply Carriage Builders, Plantations, etc., with first class materials, personally selected, at the very lowest cash prices.

All Island orders will receive prompt attention.

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HOLLISTER & CO.,

Agents.

Hawaiian Gazette

SEMI-WEEKLY.

TUESDAY, JULY 16, 1895

The remarks of "A Member of the Board" on the school bill calls to mind the expression, "What are we here for?" It is possible and undoubtedly easier for the Board of Education and the people of the country to allow the schools to take care of themselves and each nationality to follow its individual educational customs all unmindful that it is an Anglo-Saxon civilization that the country must maintain.

In the publication of the pamphlet "Picturesque Hawaii" the Oceanic Steamship Company has set an example that the people of this country can well afford to follow. Though recent events have served to advertise Hawaii in the way of making a good many people acquainted with the fact that there is such a place on the map, it is not the class of advertising that will turn the attention of the tourist in this direction except as a matter of curiosity. Hawaii, with its perpetual summer and beautiful scenery, has the foundation for a popular winter resort, but to get the tourist trade there must be more money spent in advertising than there has been in the past. The country needs to have its beauties put in attractive print.

THE ELECTRIC RAILWAY AGAIN.

The evening paper that has off and on, when policy made it a necessity, espoused the cause of the laboring men, expanded on the glories of Hawaii as the great Utopia for foreign investors, and favored holding out inducements to bring in foreign capital, now comes out with a half-hearted slap at a measure which is to bring to the city of Honolulu what the paper has so long been sighing for and blowing its trumpet to obtain—foreign capital that will furnish employment for the day laborer, and furthermore create conditions that will enhance the value of property and bring more foreign capital to the country.

Here we find the first test of this pious desire to render the workingman assistance and modernize the country. In the eyes of the day laborer, the foreign capitalist and the progressive element of the community our contemporary has been tried and found wanting.

We do not presume to reflect upon the Toronto system as applied to Toronto or any other city of its size and geographical position, but it does not require a long course of argument to prove that the situation in Toronto is vastly different from that which Honolulu investors must face as is very well demonstrated in another column. "Oh, for an electric railway" has been Honolulu's song of woe since the use of electricity for passenger traffic has been proved a success. For over five years the Tramcar Company has been free to make the change to electricity. But nothing has been done. Why this is so we will not attempt to state, simply because no satisfactory explanation has ever been offered.

Now the opportunity comes for Honolulu to have its much coveted electric railway, and with it comes the objection of our "friend of the laborer, foreign capital promoter, etc., etc." But the kaleidoscopic policy of the "friend of the laborer, foreign capital promoter, etc., etc." has little to do with the matter. The question arises, are the men who are pulling the strings of the newspaper puppet prepared to go on record as assisting in blocking the wheels of progress in Honolulu and in the country generally. We believe in hedging the power of corporations so far as is required for the protection of the public, but we cannot—and will not, until we see it—believe that the legislators or the people of this country are prepared to take action that will give a black eye to the investment of foreign or local capital for the public weal.

FINANCIAL PHASE OF NEUTRALITY LAWS.

An interesting statement regarding the financial aspect of the neutrality laws of the United States has recently been made by Secretary of State Olney in reply to a query put to him by an official of an American bank. The bank has been requested to act as a depository for contributions made by Americans to assist the Cuban revolutionists. The official states that the people connected with the institution are entirely in sympathy with the Cubans, and also for financial advantage would like to assist the revolutionary movement, but they have desisted from giving their reply until learning whether by accepting the offer they will be liable to prosecution under the neutrality laws.

Secretary Olney in his reply says, whether or no the bank would become liable to criminal prosecution by knowingly making itself the depository for funds contributed by American sympathizers of the Cubans is a point on which opinions differ, and which can be properly settled only by the adjudication of the proper court. Should the bank take the step, the secretary would be in duty bound to bring the matter before the courts for decision.

As to the moral phase of the question, Secretary Olney remarks that the duty of the bank does not admit of question and quotes the following from a decision of the Supreme Court which clearly outlines a policy of "hands off":

"The intercourse of this country with foreign nations and its policy in regard to them are placed by the Constitution of the United States in the hands of the government, and its decision upon these subjects are obligatory upon every citizen of the Union. He is bound to be at war with the nation against which the war-making power has declared war, and equally bound to commit no act of hostility against a nation with which the government is in amity and friendship. This principle is universally acknowledged by the laws of nations. It lies at the foundation of all government, as there could be no social order or peaceful relations between the citizens of different countries without it. It is, however, more emphatically true in relation to citizens of the United States, for as the sovereignty resides in the people, every citizen is a portion of it, and is himself personally bound by the laws which the representatives of the sovereignty may pass, or the treaties into which they may enter within the scope of their delegated authority. And when that authority has pledged its faith to another nation that there shall be peace and friendship between the citizens of the two countries, every citizen of the United States is equally and personally pledged. The compact is made by the department of the government upon which he himself has agreed to confer the power. It is his own personal compact as a portion of the sovereignty in whose behalf it is made. And he can do no act nor enter into any agreement to promote or encourage revolt or hostilities against the territories of a country with which our government is pledged by treaty to be at peace, without a breach of his duty as a citizen, and the breach of the faith pledged to the foreign nation."

This action of the new Secretary of State indicates that so far as the administration of his office is concerned, the neutrality laws of the United States will not be regarded as a dead letter, nor will the Government make half-hearted attempts in the enforcement.

AWAY WITH FOOLISH BUGBEARS.

Opponents of the electric railway franchise have thus far kept their arguments within the borders of a collection of improbable possibilities that fail utterly to appeal to the common sense business sentiment of the city. It is stated among other things that the expression "in good running order" might mean "a car a minute, a day, a month or complete idleness." Arguing on this basis "good running order" might mean that the company would consider their contract filled if the stockholders got out and ran to and fro on the track. Fortunately, however, our legislators are not constructed on the business plan that takes notice of such foolish by-play. It is the duty of every business man to drive as close a bargain as possible but he is equally bound to recognize the rights and integrity of the purchaser. Legislators doing business for the people are under a thousand fold greater obligation to hold to this general rule, nor are they expected to disinter and invent a quantity of bugbears which

in their private business would not be recognized.

Another statement flaunted to the breeze is that the proposed corporation gives nothing in return for the rights granted by the franchise. Is it nothing that the new company is to expend over \$100,000 a year in the wages of its employees? Is it nothing that the "poor man's carriage" is to be improved? Does the Government go begging in consequence of the increased value of the property along the line of the new railway? If Honolulu classes these perquisites as nothing, it will stand on record as the first city in the world that possesses a business dictionary compiled on this plan.

In the matter of concession by exemption from taxation, it is understood that the promoters of the railway are not inclined to draw fine lines, but at the same time it is a concession which the Government can well afford to grant. It is not the business of this country to place barriers in the way of new capital nor to make the first years of new corporations a struggle for existence under a weight that might well be lessened. It is not in the taxes of the road alone that the Government will reap its reward.

The San Francisco Chronicle believes that the "Dole government" needs to be on guard against its enemies in the United States who are working as quietly and unostentatiously as possible to stir up dissension among the citizens of the Republic. It is further remarked that "since the creation of the Dole government, followed by the establishment of the Republic, the affairs of Hawaii have been conducted on a better and more business-like basis than ever before, and the people of Hawaii are like other people, in wanting a maximum of good government at a minimum of expense. The sentiment of a great majority of the best citizens of Hawaii is certainly in favor of sustaining the Republic. Many of the natives are indifferent and some of them, no doubt, would be willing to revert to the old order of things, but the real, active, governing sentiment is in favor of the Republic, and such being the case, all the Government need do is to be on its guard against being taken by surprise by some filibustering expedition, aided by a revolt created for the occasion." The Chronicle's advice is good, but comes a little late in the day, since the "Dole government" has taken the precautionary measures and is calmly continuing the conduct of affairs on a sound business basis.

English and American missionaries in Japan are said to be somewhat estranged on account of a difference of opinion as to the importance of their work. Americans claim first place because they spend more money in their missions while the English maintain that by judicious expenditure, five pounds is made to do more good than double the amount of American funds. The controversy is unique if nothing more, as it is rather unusual to compare the value of religious work on a basis of dollars and cents.

The Secretary of the Navy has made another move that has tended to stir the ire of naval officers against the present American Administration. Shortly after the fatal accident on the Olympia, Lieuts. Dorn and Buchanan were tried before a court martial on the charge of culpable inefficiency. The personnel of the court included officers who stand high in naval circles and those of highest rank had distinguished themselves during the civil war. After a searching investigation the court acquitted both the lieutenants. Notwithstanding the good standing of the members of the court, and their endeavor to render an honest verdict, Secretary Herbert has demanded a new trial in the case of Lieutenant Dorn, thereby reflecting upon the intelligence and integrity of the court, and administering a sharp lecture for neglect of duty. In naval circles the action of the Secretary is regarded as a direct insult.

OBJECTIONS FOUNDED ON WIND.

Objections to the Honolulu electric railway have simmered down to a series of broad, meaningless assertions that the city is to be made the victim of jobbery and hoodwinked at every turn at which the investors can gain a point. A narrow minded prejudice has characterized the attacks of the evening paper and it is satisfied to rest its tale of woe on the whimper of jobbery, failing utterly in presenting facts to substantiate the accusation. It is also proper to state that the bill printed in the paper a few evenings since, was not the bill as presented to the Senate by the House and was misleading in many respects.

Some honest suggestions have been made by various people of the community for a change in the wording of some parts of the franchise, which change they believe will define the powers of the corporation more explicitly. Among other things it is suggested that certain portions read "subject to the approval of the Minister of the Interior" rather than "submitted" to the Interior Department. This is a very small matter and to allay the fears of the suspicious we see no reason why their request should not be granted. The promoters have shown no disposition to quibble over small points. What they want and what the people want them to have is a fair business proposition that will enable them to carry the work of construction forward at an early day as possible. Though the men with the money ready to invest have been dubbed sharpers and a combination little short of a gang of confidence men, there has been absolutely nothing brought forward which to sober thought indicates sharp practice. It is one thing to call business men sharpers, but quite another thing to prove it, particularly in this case now before the Legislature.

In commenting on the Fourth of July parade at San Francisco, the Report states that the marines of the Philadelphia were the handsomest body of soldiery the city ever saw. "They presented a much better appearance, man for man, marched more steadily and maneuvered with more precision" than the regular army troops. To this very neat compliment an officer of the Philadelphia adds, "Thanks to the opportunity for drill at Honolulu."

A WASHINGTON dispatch says, "From this time on the Government will spare no efforts to capture and punish any expedition which attempts to leave the United States coast to violate the neutrality laws." Since the promotion of Mr. Olney, the straws that indicate the current are turning more and more toward the foreign policy of the old-time Democracy.

With the ships now building in England and the vessels captured from China, Japan has forty-three war-ships only four of which are obsolete. Besides this she has forty torpedo boats. Russia has more war-ships, but this array is considered sufficiently formidable to cause the Czar to think twice before declaring war.

Spreckels' Trick Dogs.

According to the San Francisco Examiner, Adolph B. Spreckels has long rejoiced in the possession of a remarkably clever bull terrier, Victor by name. Now the Supervisor's brother, John D. Spreckels, has purchased a rival to Victor in a dog of the same breed named Hector.

The dogs are said to be equally clever and to perform mostly the same tricks, providing considerable amusement for the owners and their friends. Among the extraordinary feats performed is that of going to a bank and cashing a check. It is even said that the dogs refuse to accept the checks unless properly indorsed. They also insist on being paid in gold coin. Such a trifle as buying cigars is part of the daily routine of the dogs' life. The trick, however, that most delights Victor's admirers is his selection of gold and silver pieces of various denominations. He chooses them as intelligently as a bank cashier and picks up the coin asked for without hesitation.

POINTS ON THE SCHOOL ACT.

Much Misapprehension Regarding Its Import.

Is Our Dominant Civilization To Be Maintained?—More Study of Present School Laws Needed

MR. EDITOR:—Something seems to have struck a number of people in the Senate as well as in town about that innocent School Act. Possibly it is the fact of a misprint. The seventeenth word after the enacting clause should be "enforcing," not "extending." If read with the correct word, it does not appear to be involved or indistinct. In some senses the Act is explanatory and is not intended to create new law, excepting in so far as it makes the English language the authoritative tongue in the schools as it now is in the laws.

One who reads the Act must know the school laws to understand it. But it would have been improper and unnecessary to have re-enacted all or any portion of the existing laws in order to make the whole school law clear to one who is not acquainted with it.

Wise publicists do not make laws when they are not necessary. Therefore, the question here is, "What is the reason for this law?" There are reasons, and they appear sufficient to the Board of Education as well as to a number of other educators in the country who saw the draft Act and suggested amendments, a number of which were adopted.

The law at present requires children between the ages of six and fifteen years (with a proviso after thirteen) to attend "some lawful school, public or private, to be instructed in good morals and elementary learning." Perhaps it is not generally known that the act of 1870 confers very great power on the Government with reference to what are called independent schools. Such a school cannot be established, and no person can teach in one, unless the requirement of law or the rules of the Board are complied with. But it is not stated anywhere in our laws that the English language is necessary.

When the Board of Education, a few weeks ago, proposed to extend the educational system of the country to embrace all the children of all nationalities in the country, it was met at once by influential representatives of one of our very diverse nationalities with the suggestion that children are now in school and do not require further instruction. Yet the schooling given does not and cannot meet the elementary requirements of the civilization which dominates this country. A number of grave questions at once arise. Shall nothing be done? Is it the part of wisdom to permit the existence in our midst of systems of education which are incompatible with and destructive of our civilization?

If we are to maintain an Anglo-Saxon civilization in Hawaii, there should be elementary training in the English language. The children ought to grow up with its forms, its germs, so to speak, ingrained into their very being. With this end in view, the objectionable act was drafted. It will not affect very many private schools. It is neither the desire nor intention of the Board that it should. But it is the intention and very earnest desire of the Board of Education to advance and render absolutely supreme in Hawaii the civilization which has made the country. If this act will help, it should become law.

ONE OF THE BOARD.

Honolulu, July 13, 1895.

MILL :: ENGINE

FOR SALE.

Horizontal Slide Valve Engine

Made by Honolulu Iron Works Company in 1885.

Bore of Cylinder 13 inches. Length of Stroke 40 inches. Crank shaft on left of Cylinder. Hand Reversing Gear. Diameter of Fly Wheel 14 feet. Size of Engine Bed 3 feet wide by 20 feet long.

For further particulars, apply to

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No. 11 Kiahumann St., Honolulu, H. I. 1668-y

MISS D. LAMB

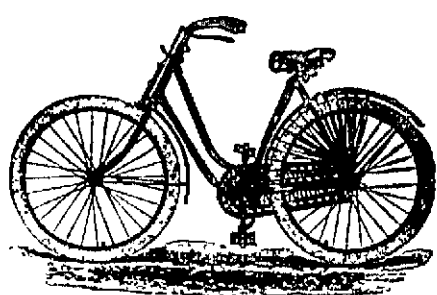
Notary Public.

Office of J. A. Magoon, Merchant at near the Postoffice. 1641-y.

CONTINUAL ADVERTISING IS THE PRICE OF BUSINESS SUCCESS.

Timely Topics

July 12, 1895.



In the year 1858 Japan made a treaty with the American Government, it being the first commercial treaty ever drafted by the former country. From then on, for several years, the intercourse with foreign powers brought to Japan an increased volume of business, and still greater benefits by demonstrating to that country the distance between it and the more civilized nations that the manner of conducting their business interests with outside countries were too crude.

Just at this time Eastern mercantile houses commenced directing their attention towards Japan for closer business relations, but unfortunately for them the report was circulated that foreigners were barred from doing any business in the Empire. Until 1868 Japan had very "dark days," but in that year the existing form of government was overthrown and a new dynasty stepped into power with leaders who saw that the future of the country depended on reciprocity.

As we are all familiar with their more modern history, it is needless to describe their phenomenal success and the rapidity with which they adopted the manners and customs of their Eastern competitors.

It is to be hoped that their recent success in overthrowing the Chinese will not so assure them of their being unable to err, that they will stand in the light of their own advancement.

People say this is the fin-de-seicde age, but from the appearance of the streets of Honolulu, one would think that it was the fin-de bicycle age. "Coming events cast their shadows before them," as will be plainly seen by the sale of the MONARCH BICYCLE since its arrival in Hawaii nei. When we first considered taking the agency for the "Monarch," we, of course, expected that it would give the other bicycle agents something to think about. No one, if they had been asked to give a conservative estimate on the length of time it would take us to sell our first consignment of eleven wheels, would have guessed it correctly, and when we state that it took exactly four days, we feel certain that they would have asked to see our books in order to verify what we say. In fact, we are glad we have the books to show, otherwise we would be tempted to doubt our own word.

Such has been the phenomenal sale of the MONARCH BICYCLE that we have been compelled to take orders for bicycles to arrive. This is a point that we wish to impress upon you, that whatever you may wish in the way of a "Monarch" as regards the different models, pedals etc., we will only be too glad to order for you, but on account of the volume of orders that are daily accumulating in the factory, it is impossible for them to turn out the goods as fast as the agencies can sell the wheels, nevertheless all these things we can supply you on your order.

The Hawaiian Hardware Co. Ltd.

Opposite Spreckels' Block, 509 POST OFFICE.

LOCAL BREVITIES.

Percy Lishman returned from Stanford yesterday.

Charles Scharf, the blind man, returned by the Australia.

The Afong family have moved to their Waikiki home for the summer.

William Norton received a shipment of mules by the Irmgard yesterday.

There was a Yale reunion at the home of Chief Justice Judd Saturday night.

Fred Horner will take Lolokalani to the Coast by the next trip of the Australia.

Dr. Walters, the well known Kauai physician, is in town for a short visit.

E. M. Walsh, wife and two children, were among the incoming passengers yesterday.

Try a free sample vial of Aloha Tooth Wash, manufactured by Hobron Drug Company.

J. J. Williams, the photographer, is home again. He was quite ill during his visit to the Coast.

Hon. John Ena and family have gone to Hawaii to spend several weeks in recreation and pleasure.

A. Louissou, of New York and San Francisco, is visiting his brother Sam. He arrived yesterday.

M. Hyman, a member of the firm of Hyman Bros., is down from the Coast on a business and pleasure trip.

Mrs. H. L. Shaw, wife of the popular clerk in the Hollister Drug Company's store, arrived on the Australia.

George T. Kluegel, of Honolulu, spent several days at the Vendome in San Jose, says a late paper from that place.

Miss Lani Atkinson will leave on the Kinai this afternoon for a trip to the Volcano, returning by the same boat.

Horizontal slide-valve engine, made by Honolulu Iron Works in 1885, is offered for sale by Theo. H. Davies & Co., Ltd.

Prof. Stoeckel will return to Lahaina today. He is doing well with the kinetoscope and graphophone on the other islands.

The visiting Knights Templars from Los Angeles, Cal., were given a luncheon at the home of H. J. Nolte, Waikiki, yesterday afternoon.

James Horsburg, Jr., is a late arrival. Mr. Horsburg is the Assistant General Passenger Agent of the Southern Pacific Company.

G. P. Wilder and wife, together with Harry Wilder, will leave for Maui on the Lukelike today to attend the Cooke-Baldwin nuptials.

Burlingame, the jockey, has purchased Autonomy from the Gay estate, and will take him to the Coast by the Australia Saturday.

Rev. Pali, of Lahaina, Maui, occupied the pulpit at Kawaiahaeo Sunday morning. Several visitors from the States were present at the services.

A. L. C. Atkinson, at present with T. H. Davies & Co., Ltd., will leave soon for the University of Michigan at Ann Arbor, to take a course in law.

J. W. Bergstrom has returned from a successful six weeks trip to Hawaii. He tells of the superiority of the Kroeger piano in this weeks GAZETTE.

T. V. King, son of T. J. King, of the California Feed Company, returned yesterday. He has been taking a seven months' course in Heald's Business College.

A meeting of the executive committee of the National Medical Society of Hawaii, formed last May, was held Saturday night to draft a constitution and by-laws.

A fine young mare arrived by the Australia for Charles David. The animal is a fine specimen of thoroughbred racing stock. She has no record, but is said to be very fast.

Robert Ballantyne will leave for the Coast next Saturday. Amaro, the fleet racer, will be taken along. Good reports may be expected of the Maui horse on the Coast.

George H. Paris, business manager and treasurer of the Hawaiian Gazette Company, returned yesterday. He has been to New York, Chicago and San Francisco on business.

Willard E. Brown is home from the Bay City, where he has been attending Heald's Business College. He will resume his former position with the Hawaiian Gazette Company.

Sing Chong, a Chinese lady, has entered proceedings for a divorce against her husband, Yap Ayin, alias Ki Yaw. This is one of the rare cases of a split up in a Chin-

nese family in Honolulu. At least seven years have passed since the last.

Chief Hunt, of the fire department, celebrated his thirty-eighth birthday yesterday. Friends who visited him at No. 2 engine house were treated right royally by the popular chief.

McAuliffe, the jockey who came down from the Coast to ride for Cornwell during the June meeting of the Jockey Club, will leave for Australia by the Alameda August 1st to visit relatives.

Fourteen of the eighteen political prisoners released at Hilo returned by the Kinai yesterday. Their countenances on arrival were somewhat different from the time of their departure for Hilo.

Captain Nissen, formerly master and part owner of the clipper Mary Winkelman, came down by the Australia on a visit to the Islands. Mrs. Nissen and family were passengers by the Irmgard yesterday.

I. H. Pierce, wife and daughter, arrived by the Australia. Mr. Pierce is head of the New York Tube Works and is en route to the Colonies and Orient. He will remain in Honolulu a couple of weeks.

It required twelve innings to decide the baseball game Saturday between the Kame and Unknowns. The attendance was the smallest of the season, due no doubt to the heavy scores made in preceding games.

Mr. and Mrs. Everett Griggs, of Tacoma, Wash., arrived on the Australia and will pass their honeymoon in this country. Mr. Griggs is connected with one of the largest lumber firms of the Northwest.

Two che fa players, belonging to the gang arrested Saturday morning, were captured yesterday morning by David Kaapa. It appears that the che fa players are changing their quarters from the center to the suburbs of the city.

The closing exercises at Iolani College yesterday afternoon were attended by a large number of persons, among whom were prominent residents of this city and pupils from educational institutions whose summer vacations have already begun.

WEDDING LAST NIGHT.

J. F. Hagens and Eliza Hugo Made Man and Wife.

The wedding of J. F. C. Hagens and Eliza Hugo at St. Andrew's Cathedral last evening was an event looked forward to with a great deal of pleasure. At 7:30 o'clock the wedding ceremony was performed by the Bishop of Honolulu, Judge W. A. Whiting giving away the bride. George Rodick as best man was accompanied by Miss Rose Mossman and F. W. Weed by Miss Carrie Grube.

At 8:30 a delightful reception was tendered the newly married couple at the home of Mr. and Mrs. Mana, Pauoa, some one hundred persons being present.

After the reception the floors were cleared for dancing, music being furnished by the Kawaihau club.

Near midnight Mr. and Mrs. Hagens left for the groom's home at Kalibi, where they will make their home.

The presents were numerous and elegant.

CAPTAIN THOMAS LEAVING.

He Will Be Succeeded by Captain Pigman—Ceremony Today.

S. W. Pigman, who will relieve Captain Thomas as commander of the Bennington, arrived on the Australia yesterday. He has just come from the post of commander of the monitors on the James river.

The exercises of formally turning over the Bennington to the new commander will take place today.

Last evening a dinner of farewell and welcome was tendered the new and departing commanders by the Bennington officers.

Captain Thomas will leave for the States on the City of Peking tomorrow.

New French Consul.

M. Antoine Vizzavona, who formerly held the position of French representative here, arrived yesterday to take the position of Acting French Consul, succeeding Mons. Verleye. Mr. Vizzavona has had a long experience in the French consular service. Previous to his first arrival in Honolulu he was stationed in Sicily, and later served three years in China. When Mons. Verleye was commissioned as French Commissioner M. Vizzavona was changed to Cardiff, but didn't like the place, did not accept it and was until lately in Paris.

CLAIM MADE FOR BACK PAY.

J. W. Robertson Petitions for Salary as Chamberlain.

SENATE DISCUSSES CABLE BILL

Canal and Fibrous Act Passes Second Reading in Upper Branch—Rights of Way Over Land of Others in the House—Saloon License Extension.

TWENTY-SIXTH DAY, JULY 15TH.

Senate communications were read from the House relating to passed bills.

The following petition was read and referred to the Judiciary Committee: HONORABLE GENTLEMEN: The undersigned, your petitioner, respectfully represents that he was the chamberlain to the ex-Queen Liliuokalani, having been appointed on the 2d of February, 1891.

That at the end of March, 1893, the payment of salary for the said office was stopped, and that your petitioner has not received any further allowance since that date.

That the sudden withdrawal of salary was a great hardship to your petitioner under the circumstances, as his position at that time was of such a nature that he conscientiously felt he could not retire from the services of the Sovereign.

That his position on the 17th of January, 1893, was a somewhat peculiar one. He was not strictly a Government official, although his salary was paid from the Treasury by Act of Legislature. He was an officer of the royal household.

That on that day a Provisional Government was declared established "to exist until, etc., etc." Upon the same day Liliuokalani protested against such action, and yielded her authority to the United States of America until "such time, etc., etc."

Under these circumstances your petitioner's duty seemed to be not only clear and plain but honor and principle seemed also to demand that he should remain near the ex-Queen until the matter in question was finally settled by the Government of the United States of America. He does not think that he could have done otherwise.

That your petitioner continued to perform the duties of chamberlain up to the time of the recognition of the Republic of Hawaii by the Government of the United States of America.

That in "an Act making special appropriations for the use of the Government during the two years which will end with the 31st day of March, 1894," as passed by the Legislature of 1892, an appropriation for the salary of "Her Majesty's Chamberlain" was therein inserted.

That from said appropriation your petitioner has received the allowance provided for up to the 31st of March, 1893.

That your petitioner submits that he is entitled to the balance of the appropriation which amounts to \$2750.00.

Your petitioner represents that the Justices of the Supreme Court have decided "that the office of Chamberlain is of a non-political character," that the Chamberlain has no political function whatever to perform. That a person holding an office is entitled to the pay of that office in full so long as he remains in it.

Your petitioner bases his claim upon these grounds:

That he was lawfully appointed to the office of Chamberlain on the 2d of February, 1891.

That he has performed duties appertaining to the said office from and since the 17th day of January, 1893, up to the time of the recognition of the Republic of Hawaii by the United States of America.

That he had not been dismissed from office prior to the time of such recognition.

That the salary having been appropriated for the office entitles your petitioner as the then incumbent to the said salary.

Wherefore, your petitioner prays, that your honorable body will give his petition due consideration; and if you find that your petitioner is entitled to some consideration in premises, you will take such action or make such recommendations as you deem proper and just.

JAMES W. ROBERTSON.

Honolulu, July 13, 1895.

Copies of the Labor Commission report on "The Additional Agricultural Laborers Required" were distributed. Printed bills 12 and 13 were also distributed.

Act 13, relating to motions for new trials, etc., was read and referred to the Judiciary Committee.

Under suspension of rules, Senator Brown introduced a petition from Hamakua residents praying for an appropriation of \$5000 for roads and bridges. Referred to committee.

On Senator Baldwin's motion the Land Act was taken up.

Senator Brown amended Section 8 by inserting the words, "for the purposes of this Act," after "public lands."

Minister Damon favored a change in Section 17, and moved that it be amended so as not to allow any person or corporation to lease not over one thousand acres, without a special act of the Legislature.

Senators Baldwin and Brown opposed the amendment, stating that the law was strict enough as it stood; no lease could be granted without the consent of the Executive Council.

Minister Damon urged the adoption of his amendment which was done by a close vote.

Senator McCandless moved to amend Section 23, to allow the surrender of leases at the request of the Commissioners. Senator Lyman offered a substitute which was lost. The amendment was lost also, President Wilber voting against it.

At 11:55 o'clock the Senate took a recess to 1:30 o'clock.

AFTERNOON SESSION.

Senator Waterhouse moved to amend

Section 80, cutting down the area of land to be improved from fifteen to five percent.

He also favored a change in the price of each acre.

On motion the Act, from Section 80 to the close, was referred back to the Land Committee.

The Cable Bill was then taken up. In answer to a question from Senator Brown, Minister Hatch stated that the old Cable Bill expired by limitation. The bill was then read section by section and, with the exception of Section 3, which was referred to the Finance Committee, passed. It reads as follows:

SECTION 3. Such financial assistance may consist of:

A fixed semi-annual cash payment or subsidy for a stated period; or, A guarantee by the Republic of a payment of the principal or interest, or both, of a stated amount of the bonds of any person or company constructing or operating such cable, or cables; or,

A subsidy by issuing to the party, or parties, indicated in such contract, a stated amount of the bonds of the Republic, bearing interest at the rate, and payable the time, or times therein stated; or,

A subscription to the stock of any corporation, or corporations, formed for the purpose of constructing and operating any such cable, or cables; or,

A guarantee of a certain amount of income per annum; or,

The participation by this Government with other governments in the joint construction and ownership of any such cable; or,

A combination of any two or more of the methods heretofore mentioned or other proper method not herein enumerated.

Senator Brown objected to the second provision of the section. He was heartily in favor of any measure that would give us a cable but did not consider it fair, considering the position the country was in at the present time. We were knocking at the door of the United States for admission to the Union, and on that account it was not wise to incur additional liabilities; Uncle Sam might say we were crowding in debts.

The Senator said that the cable would be a great thing for Honolulu, and declared it would make this port the Queenstown of the Pacific. Concluding, the speaker said that additional debts might hurt the annexation cause.

Minister Hatch replied by stating that it was impossible to make any headway unless someone is given authority to go ahead in the matter. The only practical way to gain progress was to grant the Executive power to enter into a contract with individuals in a corporation. The probabilities were that Americans or an American corporation would be dealt with. The Executive or somebody should have power to make a preliminary contract, at least. The country was amply protected by Section 5 which says that any contracts involving money must be ratified by the Legislature. The Minister closed by stating that practically the act only gives the Executive power to make a preliminary contract.

In answer to President Wilder, Mr. Hatch said that at present no definite proposal is before the Government relating to a cable; the British proposition is still pending.

Senator Baldwin said it was a dangerous move to guarantee principal and interest, and the Senate should hesitate before a precedent is established.

Act 14, relating to cacao and other fibrous plants, was amended; all taxes were remitted for five years instead of ten, as in the bill.

The bill was read a second time and referred to the Judiciary Committee to correct the title.

At 3 o'clock the Senate adjourned until 10 o'clock this morning.

House of Representatives.

After prayer by the Chaplain, Waimau, and reading of minutes by Secretary Keola, leave of absence was granted Rep. Hala from Wednesday to Sunday next.

On motion of Rep. Hanuna Act 13, to regulate the acquisition of rights of way over the land of others, was taken up and considered section by section. The committee recommended passage of the bill.

As the introducer of the bill, Rep. Robertson explained the object of the Act. It was introduced for the purpose of carrying out Article 12 of the Constitution, relating to acquisition of lands for public and private uses.

Rep. Bycroft thought that under Section 2 a great deal of work was thrown on the judge, to whom the petition is addressed.

Rep. Robertson favored leaving the section as it was. It would be both better and cheaper for the judge to decide the matter than three arbitrators. An appeal could be made to the Supreme Court from the findings of the board of arbitrators. Section passed without opposition.

Section 5 was amended by inserting "public" for "crown" lands. Bill passed second reading, ordered engrossed and read third time Tuesday.

A communication from the Labor Commission was read, stating that printed copies of their report on additional agricultural laborers required were ready for distribution. Fifty copies of the report were sent to the House with the communication; these were distributed.

Under suspension of the rules, Rep. Robertson read a bill by title, as recommended by Judiciary Committee, extending liquor licenses. Bill ordered printed.

Rep. Hanuna raised a question regarding the speaker and clerk signing certain bills sent down from the Senate. He thought bills that had been passed by the Senate and House should be referred to Committee on Passed Bills without endorsement by either the Speaker or Secretary. Discussion brought out the fact that the rules made distinct provision in such cases. Amendment withdrawn.

At 11 o'clock the House adjourned till 10 o'clock Tuesday morning.

An advertisement that is read is like a bullet which goes straight to the mark. An advertisement placed where it will not be read is like a shot in the air. How do you do your firing? If you would spike your rivals guns, outdo him in the quality and quantity of your advertising. Don't fire in the air.

RECORDS MADE AT THE BUTTS

Sharpshooters Again Defeat the Croak Volunteer Company.

Captain Kidwell's Men Beat All Previous Scores—Burnette Makes Highest Individual Score

The Sharpshooters have again demonstrated their ability to not only defeat any other team, but made a new record in Saturday's contest with Company D. As the appended scores will show, the Sharpshooters are credited with 430 points for ten men—the best record yet made in the islands. Up to Saturday's shoot Company E held the record with 422. The volunteers made a better score by four points Saturday than in their previous match with Captain Kidwell's men. They, however, have a record of 410, made in the competitive shoot for the prize rifle. J. F. Clay, who generally makes more than a fair average, fell several points behind his usual mark in Saturday's contest.

The highest individual score (46) was made by Burnette for the volunteers. McLean made the same number of points, but had one three, while Burnette had only fours and fives, making, according to Creedmore rules, the highest record. Following were the scores made:

SHARPSHOOTERS.									
Marsden	4	4	4	4	4	5	3	5	4-41
McLean	5	5	5	5	5	5	5	4	4-46
Damon	5	4	5	5	5	4	4	4	4-45
Gibson	5	4	5	5	3	4	4	3	4-41
Kidwell	4	5	5	5	5	4	4	4	4-45
Forbes	4	4	3	4	4	4	5	4	4-40
Wall, W. E.	4	5	4	4	5	5	5	4	4-45
Wall, A. C.	5	4	4	4	5	5	4	4	4-44
Martin	4	4	4	5	4	5	4	4	4-43
Peck	3	5	4	4	3	5	4	4	4-40
Total									430
Average of 10 scores									43

COMPANY D.									
Clay	4	4	4	3	2	4	0	3	3-31
Boyd	5	4	4	5	4	4	4	4	4-42
Burnette	4	5	5	5	5	4	4	5	4-48
Wilder	3	4	4	4	4	4	4	4	3-37
Dexter	4	3	4	4	3	4	5	4	4-41
Drummond	4	5	4	3	5	4	4	4	4-41
Wilder, W. C. Jr.	4	4	5	4	5	4	4	4	3-39
Crozier	4	4	4	4	4	4	4	5	3-40
Johnson, J. A.	4	4	4	4	4	3	5	4	4-42
Johnson, W. P.	4	3	4	3	5	4	4	4	4-40
Total									399

Members of Company E are anxious for a contest with the Sharpshooters, and a match will likely be arranged shortly.

YE SONS OF YALE.

Pleasant Gathering of Alumni and Undergraduates.

On Friday evening last the sons of Yale gathered at the home of Chief Justice Judd. Under the magic touch of the Yale spirit all differences of age and class were forgotten. The genial hospitality of the cordial host, the hearty singing of old college songs, the wit and wisdom of the speeches all contributed to a delightful evening.

Hawaii has reason to be proud of her representatives in the University which represents in her students so much of the culture and ability of the young men of the United States. The broad reach of her attractive power was well shown by an incident told by one of the Island boys. On the first day of the freshman year the student who sat next him in the class-room said to him, "My home is in Bombay, India. Where are you from?" "I come from Honolulu," was the reply. During the evening it was voted to form an Alumni Association and Mr. G. R. Carter was chosen secretary.

Those present were Rev. Hiram Bingham, D. D., '53; Prof. W. D. Alexander, '55; Hon. A. F. Judd, L. L. D., '62; Rev. D. P. Burnie, '78; Hon. W. F. Frear, '85; G. R. Carter, '88, S.; Hon. A. G. M. Robertson, '93, L. S.; A. W. Carter, '93, L. S.; Antone Perry, '93; Howard Twombly, '96; S. E. Damon, '96; C. M. Cooke, Jr., '97; O. H. Cooke, '97, S.; A. F. Judd, '97; J. R. Judd, '97; Hiram Bingham, Jr., '98.

The other alumni and undergraduates who were not able to be present on Friday night are D. D. Baldwin, '57; W. Foster, '80; J. P. Cooke, '94; W. F. Baldwin, '92, S.; W. D. Baldwin, '97; A. D. Baldwin, '98; G. N. Wilcox, ex '62.

Harry Juen Returns.

Among the passengers by the Australia yesterday was Harry Juen, one of the political exiles who had been granted permission to return to the islands. Harry has done well up at the Coast, but prefers life in Honolulu. He brought down a medal of degree conferred on the late Arthur Peterson by the Japanese government. The remaining exiles gave Juen a royal send off at the wharf previous to the departure of the steamer. The young man is looking remarkably well and has enjoyed his sojourn in California.

COLD STORAGE BUILDING.

Enterprise Planning Mill Awarded Contract for Its Construction.

The Enterprise Planning Mill was awarded the contract for building an addition to the Honolulu Electric Light Company's present structure, to be used as an ice-making and cold storage establishment in connection with the electric light business. The addition will be 60x100 feet, the whole to cost in the neighborhood of \$20,000. Work will be commenced as soon as possible. Four months time will be needed for completion. The ice plant will be purchased from a firm in the States.

Benson-Spencer Wedding.

A very pretty wedding took place at 424 East Santa Clara street, San Jose, Cal., on the evening of June 27th, the contracting parties being Miss Kate Benson of Honolulu and Thomas W. Spencer of San Francisco. The ceremony was performed by Rev. Cantine in the presence of the immediate relatives. After spending a few days in San Jose, Mr. and Mrs. Spencer will leave for Sausalito, their future home.

Notes.

Walter Lambert, the convicted ex-police court clerk of Oakland, Cal., prevented a jail delivery at that place recently. Lambert has commenced to serve out his five years sentence at San Quentin.

Robert Fitzsimmons has been declared not guilty of manslaughter in causing the death of pugilist Con Rlordon.

KAUAI INDUSTRIAL SCHOOL.

Examinations and Closing Exhibition.

Pupils Show Good Results of Careful Training—Program of Exercises.

The closing exercises of Kauai Industrial School are finished. The examinations and the exhibition of the school took place on June 21st, and the concert given by friends on the island Saturday evening, July 6th. On both occasions many friends were present and seemed interested and pleased.

In the exercises at the school the children's classes appeared first. From the first, second, third and fourth readers interesting selections were read by the respective classes. Writing on the blackboard showed excellent spelling and the need of better penmanship. Blackboard work in arithmetic, with analyzing, followed. Then came the work of the older classes. This showed an appreciation of what was to be done, which is not always found even among pupils of their grade. The work in algebra was excellent, and the cash account which the class in book-keeping put on the board, no merchant would be ashamed to have appear in his books. The work in arithmetic showed interest and care. As accomplishment of the year, the work showed much real, right-spirited work on the part of the students, and strong upholding and inspiration from their teacher.

At the close of the class work the following program was given. Mr. Henry Blake kindly added the pleasure of his violin playing, and Mr. De Lacey's accompaniment aided the choruses:

"Herdman's Home," duet for violins—Henry Blake, Edwin Blake
Greeting Song, "Vive la Compagnie" (adapted)..... Henry Abbey
Welcome, address..... Henry Abbey
"Good Advice"..... John (9), Robert (6), Victor (7)
"The Quarrelsome Kittens"..... Ita Nakamura
"Until Tomorrow"..... Alexander Malohe
"Spring Is Coming"..... Children's Chorus
"Keep Your Temper"..... Ah Chong
"I Wonder"..... Willie Kahlilolo
"If I Were You"..... Ah Ching
"Hark, O'er the Silly Lake"..... Chorus
"Five Little Chickens"..... Kalei Puni
"If and Perhaps"..... Carl Ontai
"Real Eloquence," dialogue..... Thos. Kanahale, John Puni, Alexander Malohe, Ah Chong, Ah Sing
"The Mill"..... Children's Chorus
"Right Living"..... Edwin Kilonano
"The Greedy Fox"..... Henry Abbey
"Our Country"..... Henry Kahlilolo (red), Wai-pullani Panul (white), George Malohe (blue)
Duet for Violins..... Henry Blake, Edwin Blake
"Never Say Die"..... George Abbey
"The Mountain and the Squirrel" (Emerson), Concert Recitation Henry Abbey, Willie Kahlilolo, George Malohe, Ita Nakamura
"Keep on Trying"..... Ah Sing
"Farmer's Boy"..... Children's Chorus
"How I Won My Wife"..... John Habelili
"The Whip poor-will"..... Chorus
"Mad"..... Edwin Blake
Serenade, with violin accompaniment..... Thos. Kanahale, Violin..... Edwin Blake
"Nearing Home"..... Robert Moewai
"The Current of Life"..... Thos. Kanahale
"The Tramp"..... Jimmy Bings, the tramp..... Tommy, the little boy..... Sam Kaaloa
Johnny, the rescuer..... E. Blake
"Homeward Bound"..... Chorus
Duet for Violins..... Henry Blake, Edwin Blake

After the program the company were invited to the dining room where Mr. Broadbent had a feast arranged for all.

Then the shops were opened and the classes showed some of what they had done and can do with their hands and wits. The fields and gardens were on view all the time, for the school aims to give some intelligent skill in the homely arts which are essential to fit and comfortable living, and with Mr. Broadbent's direction the Malumalu boys are gaining this skill.

Following is the program of the concert:

MALUMALU CONCERT, LIHU, JULY 6, 1895.

PART I.
1. Lihue Club.....
2. Piano duet..... Mrs. Alexander, Mrs. Lindemann
3. Song, with violin accompaniment..... Thos. Kanahale, Violin, Edwin Blake
4. Serenade..... Mr. DeLacey
5. Piano Solo..... Mrs. Alexander
6. Ballad..... W. H. Rice, Jr.
7. Chorus..... Lihue School
8. Song..... Mr. Alexander

PART II.
1. (a) Quartette..... Charles, Henry and Edwin Blake, Mr. DeLacey
(b) Violins and Piano..... Edwin and Henry Blake and Mr. Thos. Kanahale
2. Piano Solo..... Mrs. Lindemann
3. Song..... Mr. Meyer
4. Guitar Solo..... Mr. Fairchild
5. Song..... Mr. Smith
6. Vocal Quartette..... Mrs. Alexander, Mrs. Lindemann, Mr. DeLacey, Mr. Alexander
7. Violins and Piano..... Messrs. Edwin and Henry Blake, Mr. DeLacey
8. Piano Duet..... Mrs. Lindemann, Miss Grau

Surely Kauai people know how to make a pleasant evening of a concert. This was more like a concert in a hall, than a formal one in a public hall. Every number was good to hear and gave a pleasure of its own. The Lihue Club always welcomed. Mr. DeLacey's serenade was altogether in harmony with the evening. Mr. Rice

responded to his encore with "Solomon Levi," and even that favorite never gave more amusement than in his rendering. The Lihue school, led by Mr. Alexander, sang to their glory. Mr. Meyer seemed to be a surprise as well as a delight, two responses were needed to satisfy all, and he kindly sang again in place of Mr. Smith, who could not be present. The guitar playing of Mr. Fairchild was a treat. Mrs. Lindemann and Miss Grau added an unexpected pleasure by their piano duet. The vocal quartet was a beautiful song, and the response the brightest of bright May day glees.

Between the parts, cake and coffee and home made candies were sold in a booth outside, in Mrs. Isenberg's charge. With the help of Miss Hardy, Mr. Bishop, the merchant, Mr. Broadbent and others, Mrs. Isenberg's booth added materially to the purse of the occasion. Altogether, the evening added a very good sum to the treasury of Kauai Industrial School.

DANIEL LYONS IS NO MORE.

Sudden Ending of a Long and Useful Career.

Apooplexy Removes a Well Known Figure—Sharpshooters and American League Follow Remains.

The well known face and figure of Dan Lyons will be seen no more on the streets of Honolulu—he has gone to the undiscovered country. An ardent republican, a loving father and faithful friend has passed from earth. His ending was of a rather sudden nature, though he had been in failing health for some time.

Last Tuesday while walking along Kaahumanu street Mr. Lyons fell in a fit. Kind friends assisted him to his humble home on Alakea street. T. B. Murray, president of the American League, an organization for which the deceased was financial secretary and an honored member, took steps to have the old gentleman properly cared for, and sent a brother member to administer to his wants. Mr. Lyons, however, thought he was capable of looking after himself. He appeared at last Friday's meeting of the League, but had to be assisted home before the meeting was over.

Last Saturday Dr. Wood approached President Murray and informed him that Mr. Lyons ought to be sent to the hospital. Accordingly he was removed to that place during the afternoon, the American League becoming responsible for any expenses that might be incurred thereby. Dr. Wood expressed the opinion that, though Mr. Lyons needed attention, there was apparently no cause for expecting any serious consequences.

After reaching the hospital Mr. Lyons began to sink rapidly and expired about 3 o'clock Sunday morning. His ending was peaceable, death resulting from apoplexy coupled with old age.

Funeral services were held at the Catholic Cathedral Sunday afternoon, interment being made in the deceased family plot in the King street cemetery. Mr. Lyons was a member of the Sharpshooters; these, with the American League and many friends followed his remains to their last resting place.

Dan Lyons was aged about 55 years. He came to the islands about thirteen years ago from Nevada, having held lucrative and important positions of trust in that state during the mining excitement of early days. The deceased had considerable journalistic experience before coming here. In 1882 he launched the "Daily Hawaiian," afterwards being associated with W. M. Gibson and Fred Hayselden in the Elele, and at one time connected with this paper. Mr. Lyons was the first man to bring white compositors to the Hawaiian Islands. Six years ago the wife and several children of the deceased were carried away by diphtheria. This proved a severe blow to Mr. Lyons, from which he never recovered.

Deceased leaves two children—a girl about 10 and a boy 13, the former living with Miss Lynch, the latter now visiting Mr. Hayselden on Lanai. Mr. Lyons leaves no personal or real property. Messrs. T. B. Murray, J. A. McCandless, Capt. John Kidwell, Walter Wall, James Sheehan and Harry Evans acted as pall bearers. H. H. Williams conducted the funeral.

Among the numerous persons who have been cured of rheumatism by Chamberlain's Pain Balm, mention should be made of Mrs. Emily Thorne, of Toledo, Wash., who says: "I have never been able to procure any medicine that would relieve me of rheumatism like Chamberlain's Pain Balm. I have also used it for lame back with great success. It is the best liniment I have ever used, and I take pleasure in recommending it to my friends." For sale by all medical dealers. Benson, Smith & Co., Agents.

C. A. Sprecke arrived from Maui yesterday morning by the Lake-like and will return home by the City of Peking Wednesday.



PRIVILEGE OF SENIORITY.
"Stop crying, Reginald. Your grandmother's turn comes next." —Life.

WRINKLED BEAUTIES SHOULD

Use LOLA MONTRE CREME. Skin Food and Tissue Builder. Does not cover, but heals and cures blemishes of the skin. Makes the tissues firm and builds up the worn-out muscle fibers, and makes them plump. Lowest in price and best in value. 75 CENTS LARGEST POT.
Mrs. HARRISON'S FACE BLEACH. Cures most aggravated cases of Freckles, Blackheads, Flesh Worms, Sunburn, Sallowiness, and Moth Patches. Quick in action and permanent in effects. Price \$1.
Mrs. HARRISON'S FACE POWDER. Pure adhesive and positively invisible. Three shades—white, flesh, brunette. Will not clog the pores, stays on all day. Price 50 cents.
Mrs. HARRISON'S HAIR VIGOR. Stops Falling Hair in one or two applications. Prevents Gray Hair and causes rich and luxuriant growth of Hair to grow on bald heads. Cases of years standing specially invited to a trial. Price \$1.
Mrs. HARRISON'S HAIR RESTORER. Only four to ten days required to restore hair to its natural color. Is not a dye or bleach. No sediment or oiliness. Color is permanent when once your hair is restored to its natural shade. Hair becomes glossy and clean. Price \$1.
Mrs. HARRISON'S FRIZZ. For keeping the hair in curls a week at a time; no sticky; don't leave a white deposit on the hair. Price 50 cents.

MRS. NETTIE HARRISON, America's Beauty Doctor, 26 Geary Street, San Francisco, Cal.

For sale by HOLLISTER DRUG COMPANY, 523 Fort Street, Honolulu. Any lady call at Hollister Drug Company will be given a Lady's Journal containing a Beauty Lecture written by Mrs. Nettie Harrison.

Cummins Cough Cure Cures Coughs and Colds

Since introducing this remedy a short time ago, we have had many flattering reports of its efficacy from all parts of the islands. Those who use it once are pleased with the promptness with which a cure is effected, and recommend it to their friends. This is a COUGH REMEDY, straight, and NOT a CURE-ALL. We have already supplied most of the leading island stores with CUMMINS COUGH CURE, and if any of our friends on the other islands are unable to obtain it from their dealer, we will furnish them at the regular prices of 25 and 50 cts. per bottle.

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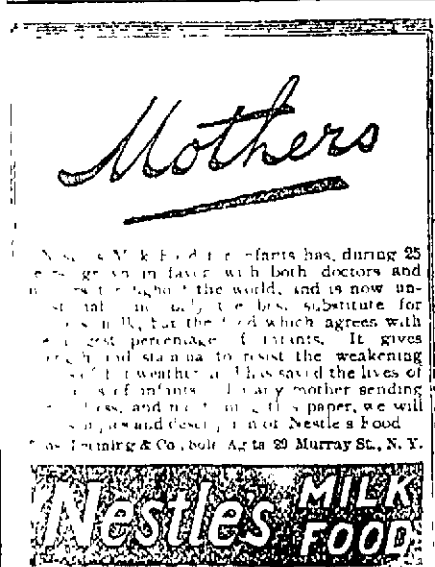
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Is the only place which combines

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Terms reasonable.

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Lowest Market Prices.

All Meats delivered from this Market are thoroughly chilled immediately after killing by means of a Bell-Coleman Patent Dry Air Refrigerator. Meat so treated retains all its juicy properties, and is guaranteed to keep longer after delivery than freshly-killed meat.

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AT THE LOWEST PRICES.

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Begs to announce to his friends and the public in general

That he has opened the above Saloon where first-class Refreshments

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THE FINEST GRADES OF

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Chosen by a personal selection from first-class

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—One of Brunswick & Balke's—

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Takes Risks against Loss or Damage by Fire on Buildings, Machinery, Sugar Mills, Dwellings and Furniture, on the most favorable terms.

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NORTH BRITISH AND MERCANTILE

Insurance Company.

TOTAL ASSETS AT 31st DECEMBER, 1894.

\$11,071,018 2s. 2d.

1—Authorized Capital, £2,000,000 £ s d

Subscribed " " 2,750,000

Paid-up Capital..... 687,500 0 0

2—Fire Funds..... 2,410,992 7 3

3—Life and Annuity Funds..... 8,572,525 14 11

Revenue Fire Branch..... 1,546,856 18 7

Revenue Life and Annuity Branches..... 1,359,821 16 9

£2,906,678 15 4

The accumulated Funds of the Fire and Life Departments are free from liability in respect of each other.

ED. HOFFSCHLAEGER CO

Agents for the Hawaiian Islands.

TRANS - - - ATLANTIC

Fire Insurance Company,

—OF HAMBURG—

Capital of the Co. and Reserve, Reichs

marks..... 6,000,000

Capital their Re-Insurance Companies..... 101,650,000

Total..... Reichsmark 107,650,000

The undersigned, General Agents of the above

two companies for the Hawaiian Islands, are

prepared to insure Buildings, Furniture, Merchandise and Produce, Machinery, &c., also

Sugar and Rice Mills, and vessels in the harbor, against loss or damage by fire, on the most

favorable terms. H. HACKFELD & CO.

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Theo. H. Davies & Co.,

AGENTS FOR

FIRE, LIFE and MARINE.

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Northern Assurance Co

Of London for FIRE & LIFE.

ESTABLISHED 1836.

ACCUMULATED FUNDS - - £3,975,000

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Marine Insurance Co. Ltd

Of Liverpool for MARINE.

CAPITAL - - - £1,000,000.

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HAMBURG - - - BREMEN

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The undersigned having been appointed

Agents of the above Company, are prepared to

insure risks against fire on Steam and Brick

Buildings, and on Merchandise stored

therein, on the most favorable terms. For particu-

lars apply at the office of F. A. SCHAEFER & CO.

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GERMAN LLOYD

Marine Insurance Company

—OF BERLIN—

FORTUNA

General Insurance Company.

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The above Insurance Companies have estab-

lished a General Agency here, and the under-

signed, General Agents, are authorized to take

Risks against the Dangers of the Sea

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most Favorable Terms.

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PIANOS

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struments taken as part payment. Tuning

and repairing a specialty.

T. W. BERGSTROM.

In the Supreme Court of the Hawaiian Islands.

JUNE TERM, 1895.

BEFORE JUDD, C. J., FREAR, J., AND CIRCUIT JUDGE WHITING, WHO SAT IN PLACE OF MR. JUSTICE BICKERTON, ABSENT ON ACCOUNT OF ILLNESS.

J. H. CONEY vs T. MITAMURA.

When the papers of a case on appeal to the Circuit Court are lost and the fact of their loss and their contents are duly proved, this Court will not inquire whether the Circuit Court could proceed with the case without such proof. The defense of non performance of condition for the payment of a negotiable promissory note is not available to the maker when the suit is brought by a bona fide purchaser before maturity for value without notice of the failure.

In the absence of evidence as to when the note was transferred, whether before or after maturity, the presumption is that it was before maturity.

A second indorsee (the holder of a note) whose signature was not affected with the equities of the defense, can maintain suit on the note, though he may have notice of the defense.

A special indorsee may maintain suit on the note in his own name even though he may have taken it for collection only.

OPINION OF THE COURT BY JUDD, C. J.

This is an action of assumpsit on a negotiable promissory note in words and figures as follows:

"Kilauea, Kanai, H. I., Oct. 1st, 1892. Six months after date I promise to pay to H. P. Hugus, or order, Two Hundred Dollars (\$200) without deduction for value received.

With interest at 8 per cent. from date.

T. Mitamura."

On the back of the note there are the following indorsements: "Pay to order of Dr. St. D. G. Walters, H. P. Hugus.

Pay to order of J. H. Conney, St. D. G. Walters."

The case was tried before the District Magistrate of the district of Hanalei, Kanai, who gave judgment for the defendant. The plaintiff then appealed to the Circuit Court, Fifth Circuit, jury waived. The case was put on the calendar for the September Term, 1894, and was, at the request of defendant, continued to the next term. When the case was called at the March Term, 1895, of said Court it was stated that none of the papers of the case, except the note could be found. The Court was proceeding to hear the plaintiff's evidence when counsel for defendant objected, on the ground that the Court had no jurisdiction to hear the case, because there were no pleadings nor papers before the Court, and no proof of loss of same, nor any proof of the contents of same.

These objections were severally overruled, but the plaintiff's counsel supplied proof of the loss of the original papers, and, by affidavit, proof of their contents substantially, also that the appeal had been perfected. These facts all appear in defendant's bill of exceptions. The defects complained of by defendant's counsel having been cured as above set forth, we do not consider it necessary to decide whether the Court would have had jurisdiction to proceed with the case without these proofs being made.

After plaintiff's proofs were in, the defendant moved for nonsuit, making the following points as appear in the bill of exceptions; that the note upon which the action is based has been transferred to the plaintiff without consideration, and that the plaintiff is not a bona fide holder thereof for valuable consideration. The nonsuit being refused the defendant put on evidence and the Court gave judgment in favor of the plaintiff.

The facts set up are substantially these: At the date of the note, October 1, 1892, one Dr. H. P. Hugus was Government Physician at Hanalei, Kanai, and on condition that he would procure for Dr. Mitamura (defendant), the appointment of Government Physician at Hanalei, defendant gave Dr. Hugus his promissory note for \$200 payable in six months. Defendant testified that the condition had not been performed for he had not received the appointment. This is not denied. If the action had been brought by Dr. Hugus it would seem as if this defense should have prevailed. The note, however, had been transferred to Dr. St. D. G. Walters by indorsement. The consideration of the transfer was proved to be one hundred dollars. If the transfer of this note had been made before maturity the equities would not be open to the defendant unless they had been brought to his notice. But if the transfer was made after maturity they would be. Unfortunately there is no evidence upon this point, and the presumption is that it was transferred before maturity, and so the defense of failure of consideration is not available to defendant.

2 Randolph, Commercial paper, Sec. 686 and numerous cases there cited.

The endorsement by Dr. Walters to the plaintiff Conney, is the ordinary special indorsement "Pay to the order of J. H. Conney." But Conney admitted that at this transfer was made with out consideration passing and for collection merely. The plaintiff as indorsee became vested with the legal title and was the proper person to bring suit on the note. Even if it be proved that the transfer was for the purpose of collection merely suit thereon may be maintained by the holder. Authorities for these propositions of law are 2 Randolph, Commercial paper, Sec. 735-6, Hawee, Parties to Actions, Sec. 35.

If Dr. Walters took this note for value without notice of the failure of consideration, then his indorsee, the present holder, may recover though he may be aware of the equities. 2 Greenleaf Ev. Sec. 171, 10th Ed.

We remark that the making of the note was shown to be admitted by defendant who offered to pay both to Dr. Walters and to the present holder one-half of it by way of compromise.

The exceptions are overruled.

S. K. Kaeo for plaintiff; A. Rosa for defendant.

Honolulu, July 5, 1895

In the Supreme Court of the Hawaiian Islands.

JUNE TERM, 1895.

BEFORE JUDD, C. J., FREAR, J. AND CIRCUIT JUDGE WHITING, WHO SAT IN PLACE OF MR. JUSTICE BICKERTON, ABSENT FROM ILLNESS.

JOHN K. KEKAULA, JR., v. EHU (W) AND KAIA (K).

The Court will not enforce the performance of a contract to convey land obtained by misrepresentation and deceit.

OPINION OF THE COURT BY JUDD, C. J.

This is a bill in equity for the specific performance of an alleged contract in writing for the sale of land. It was heard by Hon. S. L. Austin, Circuit Judge of the Third Circuit, who dismissed the bill. Following is his decision:

"The plaintiff seeks by a bill in equity to enforce the terms of an alleged written contract for the sale of undivided interests in certain lands at Naalehu, district of Kau, Island of Hawaii, descended to defendant Ehu from the estate of Naonoina.

"The substance of the agreement which is in the Hawaiian language, is as follows: 'I have received from John K. Kekaula of Naalehu, Kau, Hawaii, \$20, it being a part of \$30, the purchase price of my undivided right, in the property of the estate of Naonoina granted to him and Hihini by Royal Patent No. 2723, consisting of 336 acres, situated at Poupouwela and Aemala, District of Kau, and the kuleana No. 8754 of Naonoina in that tract of land at 'Kuanamano.'

And after the payment of \$10, the balance of the purchase money, then I will for myself and heirs give a good and lawful deed for the land above named to John K. Kekaula, and his heirs and assigns.

her
(Signed) Ehu Kala X
mark
his
Kaia X
mark

Holke
Kala Pilipo
Namakakaua (K.)

From the testimony of Kala Pilipo and Kekaula the plaintiff appears that Kekaula who lives near the land in dispute, having learned of Ehu's interest in the land wished to purchase the land, he got Kala Pilipo to go with him and show him where Ehu lived; they traveled about thirty miles to Kapua, South Kona, to the house where Ehu and her husband lived. The old folks were sitting under a kukui tree in front of the house. Kekaula told Ehu and Kala that he had come to buy land. They consented; the agreement was then produced and then Ehu and Kala accepted the agreement and money \$20. Kekaula told them there were \$10 more. Kala Pilipo says he then signed their names and drew their marks while they held the pen and scribbled along. This witness said on cross examination, 'I saw the paper first when Kekaula gave it to me to sign as witness.' Kekaula testifies that he took pen, ink and paper with him, and drew up the body of the agreement, then and there, on the mat in the presence of Ehu, Kala, Kala Pilipo and others. That a map of the land was shown and Ehu and Kala looked at it. 'That the testimony of Kala Pilipo that the agreement was not drawn up by me there is not true.' Kekaula also says, 'I told them their interest was worth \$30; did not tell them it was not worth more than that. They admitted I was a moonpuna. They said we will sell for what you intend to give.'

Ehu, Kala, Kaholo and Aleale all agree substantially in their testimony, that on the first visit of Kekaula to buy the land, Ehu told him she had no land to sell. That any right to land she might have belonged to her moonpuna Losinabama in Kau. That Kekaula urged her to sell, and she refused; that after repeated urging on his part, she reluctantly took the \$20, and told him if Losinabama consented it would be a sale, but if Losinabama did not consent, the money, \$20, would be returned. The witnesses for defense all swear that Kala Pilipo on May 6th signed all the names to the alleged agreement; that Ehu and Kala did not make their marks, nor did they put their hands to the pen when Kala wrote their names. On the 30th of May, 1893, John K. Kekaula came to Ehu's house with J. H. Walpulan, a notary public, and wanted Ehu to execute a deed. She refused to do so, and offered to return the same \$20, which Kekaula refused to take. It is in evidence that Ehu's portion of the land is worth \$800.

The main question for me to decide is, whether the alleged agreement made May 6th, 1893, is an agreement which equity ought to enforce?

From a careful study of all the evidence in this case, I find that John K. Kekaula, a smart man of business, having learned that an old and simple woman, named Ehu, had fallen heir to a piece of land near his own possessions in Naalehu, Kau, drew up an agreement to sell, procured a guide, and traveled a distance of thirty miles to a place called Kapua, in South Kona, where Ehu lived, and there tried to purchase her land.

The weight of evidence is that Ehu refused to sell the land, saying that any right to land which she might

have belonged to her moonpuna Losinabama, but he insisted upon her taking \$20 as part payment. Then his guide, Kala Pilipo, signed the names of Ehu and Kala and made their marks. They both swore that they did not touch the pen, and also signed his own name and that of Namakakaua as witnesses.

Kala Pilipo himself says Namakakaua did not make his cross. Kekaula's statement that he wrote out the body of the agreement there before all of them is denied by all the witnesses, and by Kala Pilipo, Kekaula's own witness.

I think an agreement such as has been proved is void for want of proper execution, and it is certainly voidable on account of the ignorance and age of Ehu and her husband.

The contract cannot be enforced in equity, and Losinabama had a right to purchase the land as she did, notwithstanding her knowledge of an alleged agreement which was void and could not be enforced either in law or equity.

I dismiss the bill, and give judgment against the plaintiff for all the costs in the case."

The case on appeal was presented to us by complainant's counsel *ex parte*, there being no appearance on behalf of respondents.

On a careful review of the evidence sent up, we are of opinion that the findings of fact of the Circuit Judge are sustained and we find his conclusions of law are correct.

Advantage was taken of the old age, infirmity and ignorance of these two Hawaiians living in a remote and almost uninhabited portion of the Island of Hawaii, who were urged to consent to the sale for \$30 of an undivided interest (the proportion of the interest not being disclosed), in two tracts of land in the neighborhood of a large sugar plantation, one piece being 336 acres in extent, and the other 3 7-10 acres. The old people were ignorant that they had any such interest, and it was shown that the twenty dollars advanced were thrust upon the old people, who were afraid to take it, and who finally and reluctantly consented to sell the land if their moonpuna or granddaughter Losinabama, not then present, and who supported them, should also consent. The old people could not read nor write; the old man, Kaia, was partially blind, and they say that the formality of placing their hands on the pen when their cross-marks were made by the subscribing witness Kala Pilipo did not take place. This witness also wrote the name of one "Namakakaua" as a subscribing witness below his own, and did not even have Namakakaua affix his cross-mark. This last named man was not produced as a witness in the case. We notice also that on the copy of the alleged agreement, filed with the bill as an exhibit, this name does not appear.

Counsel for complainant appellant makes the point that the respondents are concluded by their first answer, where "they admit that they signed an instrument which they are now informed and believe constituted a contract to convey said interest in said lands," etc.

This original answer was prepared and signed by counsel upon information at a distance from their clients. An amended answer was afterwards, but before hearing, filed, in which "they admit that their names were signed, but by a third party and not at their request, to an instrument in writing which they have since been informed and believe was an agreement to convey such lands." Both the original and amended answers contain allegations that they were induced to do as they did through ignorance and misunderstanding of the matter, occasioned by the deceit and misrepresentation of the complainant. Under the circumstances it would not be right to hold the respondents to the allegation in their first answer.

The decree dismissing the bill is confirmed.

E. Johnson for complainant.

Honolulu, July 6, 1895



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North Volney, N. Y.

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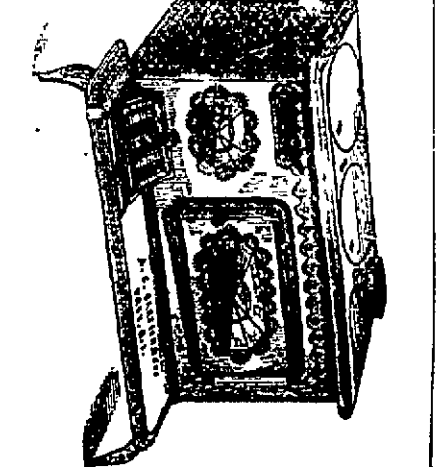
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